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13 Attorneys for SAMSUNG ELECTRONICS CO.,
LTD., SAMSUNG ELECTRONICS AMERICA,
14 INC. and SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC
15

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION
18

19 APPLE INC., a California corporation,

20 Plaintiff,

21 vs.

22 SAMSUNG ELECTRONICS CO., LTD., a
Korean business entity; SAMSUNG
23 ELECTRONICS AMERICA, INC., a New
York corporation; SAMSUNG
24 TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,

25 Defendant.
26

CASE NO. 11-cv-01846-LHK

**DECLARATION OF JOBY MARTIN IN
SUPPORT OF SAMSUNG'S OPPOSITION
TO APPLE'S MOTION TO COMPEL**

Date: April 24, 2012

Time: 10:00 a.m.

Place: Courtroom 5, 4th Floor

Judge: Hon. Paul S. Grewal

1 I, Joby Martin, declare:

2 1. I am an associate with the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,
3 counsel for Samsung Electronics Co., Ltd., Samsung Electronics America, Inc. and Samsung
4 Telecommunications America, LLC (collectively, "Samsung"). I submit this declaration in
5 support of Samsung's Opposition to Apple's Motion to Compel ("Samsung's Opposition"). I
6 have personal knowledge of the facts set forth in this declaration, except as otherwise noted, and,
7 if called upon as a witness, I could and would testify to such facts under oath.

8 2. Apple served its Third Set of Requests for Production on and Fourth Sets of
9 Requests for Production ("RFPs") on August 3, 2011 and September 9, 2011, respectively. These
10 sets included RFPs 151-154, 185 and 186. Attached hereto as Exhibit 1 is a true and correct copy
11 of excerpts from Apple's Third Set of RFPs.

12 3. The Samsung patents-in-suit are essential to the UMTS standard only, and relate to
13 just three of the hundreds of specifications that comprise the UMTS standard. Attached hereto as
14 Exhibit 2 is a chart of standards promulgated by ETSI and 3GPP. This chart shows that there are
15 248 individual specifications within just Series 25 of the WCDMA technology that is a part of the
16 UMTS standard. The patents in suit relate to just three of those specifications.

17 4. Attached hereto as Exhibit 3 is a true and correct copy of a letter sent by Apple's
18 counsel to Samsung's counsel on January 13, 2012.

19 5. Attached hereto as Exhibit 4 is a true and correct copy of a February 16, 2012 letter
20 sent by Samsung's counsel to Apple's counsel. In this letter, Samsung insists on several
21 limitations on Apple's requests for documents from prior litigation, and agrees to produce business
22 plans, strategy documents, financial projections and licensing plans that are applicable to patents
23 that have been declared essential to the UMTS specifications identified in Apple's answers and
24 counterclaims (25.212, 25.213, 25.214, and 25.322).

25 6. Attached hereto as Exhibit 5 is a true and correct copy of Apple's February 28,
26 2012 response to Samsung's February 16, 2012 letter.

27 7. Attached hereto as Exhibit 6 is a true and correct copy of an email sent by
28 Samsung's counsel to Apple's counsel on March 28, 2012, wherein Samsung agreed to produce

1 documents from prior litigation relating to the determination of FRAND royalties and the
2 propriety of injunctive relief for patents that are declared essential to the UMTS standard.

3 8. Attached hereto as Exhibit 7 is a true and correct copy of Apple's response to
4 Samsung's offer, whereby Apple agrees to withdraw its motion provided that Samsung complete
5 its production by April 5, 2012.

6 9. Samsung cannot stipulate to completing its production by that date, due to the fact
7 that documents from prior litigation are in the possession of the attorneys who represented
8 Samsung in these prior cases, as well as the need to either secure third-party consent to this
9 production or prepare redacted versions of every document containing third-party CBI.

10 10. Attached hereto as Exhibit 8 is a true and correct copy of an email sent by
11 Samsung's counsel to Apple's counsel wherein Samsung's counsel agrees to produce the
12 documents described above by April 23, 2012.

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15 I declare under penalty of perjury under the laws of the United States that the foregoing is
16 true and correct.

17 Executed in San Francisco, California, on March 29, 2012.

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/s/ Joby Martin

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Joby Martin

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General Order 45 Attestation

I, Victoria F. Maroulis, am the ECF user whose ID and password are being used to file this Declaration. In compliance with General Order 45(X)(B), I hereby attest that Joby Martin has concurred in this filing.

/s/ Victoria Maroulis