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

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

20 APPLE INC., a California corporation,

21 Plaintiff,

22 vs.

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

26 Defendant.

CASE NO. 11-cv-01846-LHK

**DECLARATION OF DAVID L. HECHT
IN SUPPORT OF DEFENDANT
SAMSUNG'S OPPOSITION TO APPLE'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT**

Date: May 10, 2012

Time: 1:30 p.m.

Place: Courtroom 4, 5th Floor

Judge: Hon. Lucy H. Koh

1 I, David L. Hecht, declare:

2 1. I am an associate in 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 have personal knowledge of the
5 facts set forth in this declaration and, if called upon as a witness, I could and would testify to such
6 facts under oath.

7 2. Attached hereto as **Exhibit A** is a true and correct copy of the "Technologies"
8 webpage of the European Telecommunications Standards Institute ("ETSI") website, available at
9 <http://etsi.org/WebSite/Technologies/Technologies.aspx>, visited on March 30, 2012.

10 3. Attached hereto as **Exhibit B1** is a true and correct copy of the ETSI IPR Policy
11 approved by the ETSI General Assembly on November 18-19, 1997. This copy of the policy was
12 produced by Samsung with Bates Numbers S-ITC-003356882-6887.

13 4. Attached hereto as **Exhibit B2** is a true and correct copy of the ETSI IPR Policy
14 dated April 8, 2009. This copy of the policy was produced by Samsung with Bates Numbers S-
15 794-ITC-005517403-7413.

16 5. Attached hereto as **Exhibit C1** is a true and correct copy of the ETSI Guide on
17 IPRs approved by the ETSI Board in September 2004. This copy of the guide was produced by
18 Samsung with Bates Numbers S-794-ITC-005285649-5672.

19 6. Attached hereto as **Exhibit C2** is a true and correct copy of the ETSI Guide on
20 IPRs endorsed by ETSI Board #60 on January 25, 2007. This copy of the guide was produced by
21 Samsung with Bates Numbers S-ITC-003356833-6855.

22 7. Attached hereto as **Exhibit D** is a true and correct copy of the ETSI IPR Policy
23 FAQs on the ETSI website, available at
24 http://etsi.org/WebSite/AboutETSI/IPRsInETSI/IPR_Policy_FAQ.aspx. This copy of the FAQs
25 was produced by Samsung with Bates Numbers S-794-ITC-005517414-7416.

26 8. Attached hereto as **Exhibit E** is a true and correct copy of a declaration issued by
27 Samsung to ETSI and dated December 14, 1998. This copy of this declaration was produced by
28 Samsung with Bates Number S-794-ITC-005517182.

1 9. Attached hereto as **Exhibit F1** is a true and correct copy of an IPR Information
2 Statement and Licensing Declaration, issued by Samsung to ETSI and dated September 29, 2003.
3 This copy of this statement was produced by Samsung with Bates Numbers S-794-ITC-
4 005517283-7304.

5 10. Attached hereto as **Exhibit F2** is a true and correct copy of an IPR Information
6 Statement and Licensing Declaration, issued by Samsung to ETSI and dated May 16, 2006. This
7 copy of this statement was produced by Samsung with Bates Numbers S-794-ITC-
8 005517211-7727.

9 11. Attached hereto as **Exhibit F3** is a true and correct copy of an IPR Information
10 Statement and Licensing Declaration, issued by Samsung to ETSI and dated August 7, 2007. This
11 copy of this statement was produced by Samsung with Bates Numbers S-794-ITC-
12 005517177-7181.

13 12. Attached hereto as **Exhibit F4** is a true and correct copy of an IPR Information
14 Statement and Licensing Declaration, issued by Samsung to ETSI and dated July 24, 2008. This
15 copy of this statement was produced by Samsung with Bates Numbers S-794-ITC-
16 005517228-7232.

17 13. Attached hereto as **Exhibit G** is a true and correct copy of relevant pages of
18 Apple's Responses to Samsung's Fourth and Fifth Sets of Requests for Admissions, served by
19 Apple on March 10, 2012.

20 14. Attached hereto as **Exhibit H** is a [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 15. Attached hereto as **Exhibit I** is a true and correct copy of Samsung's Complaint for
24 Patent Infringement against Apple (Case No. 5:11-cv-02079-LHK), filed on April 27, 2011.

25 16. Attached hereto as **Exhibit J1** is [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED]

1 17. Attached hereto as **Exhibit J2** is [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 18. Attached hereto as **Exhibit J3** is [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 19. Attached hereto as **Exhibit J4** is [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 20. Attached hereto as **Exhibit J5** is [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 21. Attached hereto as **Exhibit J6** is [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 22. Attached hereto as **Exhibit J7** [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 23. Attached hereto as **Exhibit J8** is a [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 24. Attached hereto as **Exhibit J9** is [REDACTED]

24 [REDACTED]

25 [REDACTED]

26 25. Attached hereto as **Exhibit J10** is [REDACTED]

27 [REDACTED]

28 [REDACTED]

1 26. Attached hereto as **Exhibit J11** is [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 27. Attached hereto as **Exhibit K1** is [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 28. Attached hereto as **Exhibit K2** is [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 29. Attached hereto as **Exhibit K3** is [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 30. Attached hereto as **Exhibit L** is a true and correct copy of relevant pages of Apple's
14 Objections and Responses to Samsung's Fourth Set of Interrogatories, served by Apple on March
15 10, 2012.

16 31. Attached hereto as **Exhibit M** is [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 32. Attached hereto as **Exhibit N** is a true and correct copy of a publication entitled "Is
21 the Patent Ambush Prerequisite Met? Assessing the Extent of Ex Ante IPR Disclosure within
22 Standard Setting" by Anne Layne-Farrar, published August 18, 2011. An electronic copy of this
23 publication is also available online at <http://ssrn.com/abstract=1912198>.

24 33. Attached hereto as **Exhibit O1** is a true and correct copy of an IPR Information
25 Statement and Licensing Declaration, issued by Apple to ETSI and dated July 19, 2007. This
26 copy of this statement was produced by Samsung with Bates Numbers S-ITC-003126935-6941.

27 34. Attached hereto as **Exhibit O2** is a true and correct copy of an IPR Information
28 Statement and Licensing Declaration, issued by Apple to ETSI and dated November 11, 2011.

1 This copy of this statement was produced by Samsung with Bates Numbers S-ITC-
2 003126942-6968.

3 35. Attached hereto as **Exhibit P1** is a true and correct copy of relevant pages of Boris
4 Teksler's February 24, 2012 deposition transcript.

5 36. Attached hereto as **Exhibit P1** is a true and correct copy of relevant pages of Gert
6 Jan Van Lieshout's November 4, 2011 deposition transcript. Mr. Van Lieshout is a Samsung
7 employee.

8 37. Attached hereto as **Exhibit Q1** is a true and correct copy of U.S. Patent No.
9 6,928,604.

10 38. Attached hereto as **Exhibit Q2** is a true and correct copy of U.S. Patent No.
11 7,200,792.

12 39. Attached hereto as **Exhibit Q3** is a true and correct copy of U.S. Patent No.
13 7,362,867.

14 40. Attached hereto as **Exhibit Q4** is a true and correct copy of U.S. Patent No.
15 7,386,001.

16 41. Attached hereto as **Exhibit Q5** is a true and correct copy of U.S. Patent No.
17 7,675,941.

18 42. Attached hereto as **Exhibit Q6** is a true and correct copy of U.S. Patent No.
19 7,447,516.

20 43. Attached hereto as **Exhibit Q7** is a true and correct copy of U.S. Patent No.
21 7,050,410.

22 44. Attached hereto as **Exhibit R** is a true and correct copy of the European
23 Commission's decision on Case No COMP/M.6381 – Google/Motorola Mobility. The decision is
24 available at
25 [http://ec.europa.eu/competition/mergers/cases/decisions/m6381_20120213_20310_2277480_EN.p](http://ec.europa.eu/competition/mergers/cases/decisions/m6381_20120213_20310_2277480_EN.pdf)
26 [df](http://ec.europa.eu/competition/mergers/cases/decisions/m6381_20120213_20310_2277480_EN.pdf).

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1 45. Attached hereto as **Exhibit S1** is a true and correct copy of a letter from Peter J.
2 Kolovos of Wilmer Hale to Rachel Herrick Kassabian and Diane Hutnyan of Quinn Emanuel,
3 dated March 6, 2012.

4 46. Attached hereto as **Exhibit S2** is a true and correct copy of a letter from Jason
5 Barlett of Morrison and Foerster to Diane Hutnyan of Quinn Emanuel, dated March 14, 2012.

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I declare under penalty of perjury that the foregoing is true and correct. Executed in New York, New York on April 2, 2012.

/s/ David L. Hecht

David L. Hecht

