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*Attorneys for Plaintiff and
 Counterclaim-Defendant Apple Inc.*

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

15 APPLE INC., a California corporation,
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 Plaintiff,
 17
 v.
 18 SAMSUNG ELECTRONICS CO., LTD., a
 Korean corporation; SAMSUNG ELECTRONICS
 19 AMERICA, INC., a New York corporation; and
 SAMSUNG TELECOMMUNICATIONS
 20 AMERICA, LLC, a Delaware limited liability
 company,
 21
 Defendants.

Case No. 11-cv-01846-LHK (PSG)

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER
 REGARDING SAMSUNG'S
 PRODUCTION OF DOCUMENTS
 AND WITHDRAWING APPLE'S
 MOTION TO COMPEL**

1 WHEREAS, on March 15, 2012, Apple Inc. (“Apple”) filed a Motion to Compel Samsung
2 Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications
3 America, LLC (collectively “Samsung,” and together with Apple, “the Parties” and individually
4 each a “Party”) to produce (i) documents relating to positions Samsung has taken in other
5 litigations regarding the licensing of patents and other intellectual property rights (“IPR”) claimed
6 to be essential to the UMTS standard, the determination of a fair, reasonable and non-
7 discriminatory (“FRAND”) royalty, and the propriety of injunctive relief for the infringement of
8 IPR claimed to be essential to the UMTS standard; and (ii) documents concerning Samsung’s
9 plans for the development, marketing or licensing of IPR that is claimed to be essential to the
10 UMTS standard, including presentations to executive management and the Board of Directors.

11 WHEREAS, on March 29, 2012, Samsung filed an Opposition to Apple’s Motion to
12 Compel;

13 WHEREAS, pursuant to Court Order, the filing date for the reply in support of Apple’s
14 Motion to Compel is April 10, 2012;

15 WHEREAS, the Parties have met and conferred and agreed to the joint stipulation below
16 that would resolve this discovery dispute without the Court’s intervention;

17 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties as
18 follows:

19 1. Samsung agrees to produce on a rolling basis, its non-privileged documents, if any,
20 that it is able to locate after conducting a reasonable search, responsive to the following
21 categories of documents for litigation in the US and foreign jurisdictions, excluding any
22 responsive discovery motions, filings by third parties, and documents prepared by non-testifying
23 experts:

24 Documents and/or responsive portions thereof, including briefing not
25 publicly available on Pacer, responsive excerpts of deposition or other
26 testimony of Samsung’s current or former employees or its testifying
27 experts, and reports and/or responsive portions thereof prepared by
28 Samsung’s testifying experts, relating to or containing any claims or
 statements by Samsung in any litigation or judicial proceeding, regarding
 the determination of a FRAND royalty rate for any IPR that is claimed
 Essential to the UMTS Standard, and the propriety of injunctive relief for
 the infringement of IPR claimed to be Essential to the UMTS Standard.

1 For the avoidance of doubt, Samsung agrees to conduct a reasonable
2 search for documents from at least the following litigations, and will
3 produce its non-privileged responsive documents (or portions thereof), to
4 the extent they exist: (1) *In re Certain 3G WCDMA Handsets*
5 (*InterDigital v. Samsung*), No. 337-TA-601 (I.T.C.); (2) *Samsung v.*
6 *InterDigital*, No. 07-0167 (D. Del.); (3) *Ericsson v. Samsung*, No. 06-0063
7 (*E.D. Tex.*); and (4) *Telefonaktiebolaget LM Ericsson v. Samsung*
8 *Electronics UK Ltd.*, HC06 C00618. Of course, Samsung reserves the
9 right to make redactions as appropriate where documents contain non-
10 responsive information or statements, and to protect information about
11 unannounced products.

12 2. Samsung agrees to produce the documents referenced in paragraph 1, above, on a
13 rolling basis. Samsung agrees to use its best efforts to substantially complete production of
14 documents not containing third party confidential information by April 16, 2012. Any non-
15 privileged responsive documents that are not in English, however, may take longer to review and
16 produce, and Samsung agrees to produce such documents on a rolling basis to be substantially
17 completed by April 24, 2012. To the extent any documents referenced in paragraph 1 are subject
18 to a protective order or other provision precluding their disclosure to Apple, Samsung will use its
19 best efforts to obtain any necessary third party consent to redact any third party confidential
20 information and produce those documents in redacted form in the first instance by April 16, 2012.
21 To the extent that there are any documents referenced in paragraph 1 that Samsung is unable to
22 produce to Apple by April 16, Samsung agrees to meet and confer with Apple on April 18, 2012
23 at 2:00 p.m. Pacific concerning which documents have not been produced and the reasons
24 therefor. For those responsive documents that were redacted to protect third party confidential
25 business information, Samsung shall use its best efforts to obtain third party consent to provide
26 unredacted copies of those documents responsive to paragraph 1 as quickly as possible.
27 However, nothing in this stipulation shall require Samsung to produce responsive documents
28 from other proceedings if doing so would require Samsung to violate the terms of a protective
order or other authority precluding the disclosure of those documents.

1 3. Samsung agrees to use its best efforts to make a substantially complete production
2 by April 16 of its non-privileged, responsive business plans, strategy documents, financial
3 projections and licensing plans dated from January 1, 1999 to December 31, 2005, located after a

1 reasonable search, that are applicable to patents that have been declared essential to the UMTS
2 specifications identified in Apple's answer and counterclaim, even if those business plans and
3 other responsive documents also apply to other patents, to UMTS generally and/or to 3G
4 generally. Of course, Samsung reserves the right to make redactions as appropriate to protect
5 information about unannounced products or technology that has not been incorporated into a
6 released product. To the extent that there are any documents referenced in this paragraph that
7 Samsung is unable to produce to Apple by April 16, Samsung agrees to meet and confer with
8 Apple on April 18, 2012 at 2:00 p.m. Pacific concerning which documents have not been
9 produced and the reasons therefor.

10 4. Apple's Motion to Compel [Dkt. 815] is withdrawn. Apple may still file a motion
11 to enforce this stipulation if necessary; and

12 5. No other dates or deadlines shall be modified by this stipulation and order.

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Dated: April 10, 2012

Dated: April 10, 2012

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*Counsel for Samsung Electronics Co., Ltd.,
Samsung Electronics America, Inc., and
Samsung Telecommunications America, LLC*

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated:



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ATTESTATION OF E-FILED SIGNATURE

I, Mark D. Selwyn, 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 Victoria Maroulis has concurred in this filing.

Dated: April 10, 2012

/s/ Mark. D Selwyn
Mark D. Selwyn