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11 Attorneys for Plaintiff and  
 12 Counterclaim-Defendant APPLE INC.

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN JOSE DIVISION

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

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

**SUPPLEMENTAL  
 DECLARATION OF ERIK J.  
 OLSON IN SUPPORT OF  
 APPLE'S RULE 37(B)(2) MOTION  
 RE SAMSUNG'S VIOLATION OF  
 JANUARY 27, 2012 DAMAGES  
 DISCOVERY ORDER**

Date: April 9, 2012  
 Time: 10:00 a.m.  
 Place: Courtroom 5, 4th Floor  
 Judge: Hon. Paul S. Grewal

1 I, Erik J. Olson, declare as follows:

2 1. I am a partner in the law firm of Morrison & Foerster LLP, counsel for Apple Inc.  
3 (“Apple”). I am licensed to practice law in the State of California. Unless otherwise indicated, I  
4 have personal knowledge of the matters stated herein or understand them to be true from  
5 members of my litigation team. I make this Supplemental Declaration in support of Apple’s  
6 Motion regarding Samsung’s Violation of the Court’s January 27, 2010 Damages Discovery  
7 Order (“Motion”).

8 2. After the Motion was argued and submitted on April 9, 2012, three relevant  
9 developments have occurred that Apple wishes to bring to the Court’s attention. To the extent the  
10 Court has questions regarding the facts set forth in this Declaration, Apple will be prepared to  
11 address them during the upcoming April 24 hearing on another Apple motion.

12 **Scheduling the Deposition of Apple’s Damages Expert Terry Musika**

13 3. Apple’s Motion requests that Samsung be required to produce additional  
14 documents and data to Apple, but that Apple’s expert not be required to produce a supplemental  
15 report or sit for a second deposition. (Dkt. No. 759-2 at 17.) During the hearing on Apple’s  
16 Motion, counsel for Apple argued that it would not be fair to give Samsung two opportunities to  
17 cross-examine Apple’s damages expert as a benefit of Samsung’s own violation of the Court’s  
18 order. (Apr. 9, 2012 Hrg. Tr. at 53.) The Court responded, “Wouldn’t a better way to solve that  
19 problem be simply to delay his deposition and have him deposed once after a supplement report is  
20 tendered?” (*Id.*) For the Court’s convenience, a true and correct copy of an excerpt of the  
21 April 9, 2012, transcript is attached hereto as Exhibit A.

22 4. Following the Court’s direction, Apple has asked Samsung to defer the deposition  
23 of Apple’s damages expert, Terry Musika, until the Court rules on the pending motion. Samsung  
24 has refused. Attached hereto as Exhibits B and C are true and correct copies of correspondence  
25 between counsel for Apple and counsel for Samsung reflecting this exchange.

26 5. Mr. Musika’s deposition is currently scheduled for April 26, 2012.  
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**ATTESTATION OF E-FILED SIGNATURE**

I, Alison M. Tucher, 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 Erik Olson has concurred in this filing.

Dated: April 20, 2012

/s/ Alison M. Tucher  
Alison M. Tucher