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10 Attorneys for Plaintiff
 APPLE INC.

11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION

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

Case No. 11-cv-01846-LHK
**DECLARATION OF JASON R.
 BARTLETT IN SUPPORT OF APPLE
 INC.'S MOTION FOR A
 PRELIMINARY INJUNCTION**

Date: August 5, 2011
 Time: 1:30 p.m.
 Place: Courtroom 4, 5th Floor
 Judge: Hon. Lucy H. Koh

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1 I, JASON R. BARTLETT, do hereby declare as follows:

2 1. I am a partner with the law firm of Morrison & Foerster LLP, which is counsel for
3 Plaintiff Apple Inc. I am admitted to practice law in the State of California and before this Court.
4 I submit this declaration in support of Apple's Motion for a Preliminary Injunction. I have
5 personal knowledge of the facts stated in this declaration, and I could and would competently
6 testify to them if called as a witness.

7 **A. Evidence Indicating Fame and Success of the Original iPhone**

8 2. Attached as Exhibit 1 is an excerpt from Apple's 10-K securities filing for the
9 fiscal year ended September 25, 2010, which states that Apple sells personal computers and
10 displays, iPod, iPhone, iPad, and Apple TV devices, and software and media products.

11 3. Attached as Exhibit 2 is a true and correct copy of an article from the front page of
12 the *New York Times* dated January 10, 2007, titled "Apple, Hoping for Another iPod, Introduces
13 Innovative Cellphone," showing that the day after Apple's announcement of the original iPhone,
14 the *New York Times* displayed a picture of the product on the front page. The article noted that it
15 was Apple's "ability to fuse [essential smartphone functions] with a raft of innovations and
16 Apple's distinctive design sense that had the crowd here buzzing."

17 4. Attached as Exhibit 3 are a true and correct copy of the front page of *USA Today*
18 dated January 10, 2007 and true and correct copies of articles from *USA Today* on the same day,
19 titled "Apple Unveils All-In-One iPhone" and "Apple Packs All Kinds of High-Tech Goodies
20 into iPhone," which show that *USA Today* also displayed photographs of the original iPhone the
21 day after Apple first announced the product.

22 5. Attached as Exhibit 4 are true and correct copies of two articles from the *Wall*
23 *Street Journal* dated January 10, 2007, titled "Apple Storms Cellphone Field" and "Apple's
24 iPhone: Is It Worth It?," which show that the *Wall Street Journal* also displayed photographs of
25 the original iPhone the day after Apple first announced the product.

26 6. Attached as Exhibit 5 is a true and correct copy of a LexisNexis printout of an
27 article from RCR Wireless News dated June 18, 2007, titled "Apple's Show; AT&T's Details,"
28 discussing a survey by M:Metrics, which indicates that "an estimated 19 million U.S. mobile-

1 phone users considered themselves strongly interested in buying an iPhone.” It quotes Mark
2 Donovan, senior VP and senior analyst at M:Metrics, as observing, ““That kind of latent demand
3 is something I don’t think we’ve ever seen before.””

4 7. Attached as Exhibit 6 is a true and correct copy of a press release from Nielsen
5 BuzzMetrics dated June 25, 2007,¹ titled “Unprecedented Pre-Launch Buzz Sets High
6 Expectations for iPhone Sales and Customers, Nielsen BuzzMetrics Reports,” which is dated a
7 few days before the launch of the original iPhone and states that “the iPhone section of [Apple’s]
8 site had 1.79+ million unique visitors in January 2007 and the keyword ‘iPhone’ was searched
9 870,000 times.”

10 8. Attached as Exhibit 7 is a true and correct copy of an article by Alex Woodson of
11 the Associated Press dated July 2, 2007,² titled “Bloggers Dialed in to New iPhone,” noting that
12 according to Nielsen BuzzMetrics research, “[t]he number of blog posts or ‘buzz’ surrounding the
13 iPhone . . . has been higher than conversations about Super Bowl commercials, ‘The Sopranos’
14 finale on HBO and other tech announcements about Microsoft’s Zune and Vista and Nintendo’s
15 Wii.” Attached as Exhibit 8 is a true and correct copy of an article from the *New York Times*
16 dated June 27, 2007, titled “Matching the Ballyhoo, Mostly: The iPhone, Despite a Few Foibles,
17 Does Things No Phone Has Ever Done,” featuring a large picture of the iPhone and reporting that
18 “[i]n the last six months, Apple’s iPhone has been the subject of 11,000 print articles, and it turns
19 up about 69 million hits on Google.” Attached as Exhibit 9 is a true and correct copy of an
20 article from *USA Today* dated March 9, 2007, titled “Apple Buffs Marketing Savvy to a High
21 Shine,” reporting that according to Harvard Business School professor David Yoffie, news
22 coverage of the iPhone had “generated \$400 million in free publicity and ‘[n]o other company has
23 ever received that kind of attention for a product launch.””

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25 ¹ [http://web.archive.org/web/20070710135319/http://www.nielsenbuzzmetrics.com/
26 pr/releases/20070625](http://web.archive.org/web/20070710135319/http://www.nielsenbuzzmetrics.com/pr/releases/20070625), printed on June 30, 2011.

27 ² <http://www.hollywoodreporter.com/news/bloggers-dialed-new-iphone-141442>, printed
28 on June 30, 2011.

1 9. Attached as Exhibit 10 is a true and correct copy of the iPhone section of the
2 Apple website on January 9, 2007, showing the iPhone.

3 10. Attached as Exhibit 11 is a true and correct copy of an Internet article from
4 Bloomberg News dated June 28, 2007,³ titled “Apple’s iPhone Generates Buzz That May Top
5 Mustang (Update2),” stating that Apple’s iPhone marketing effort “may be the most successful
6 marketing effort ever, surpassing the drive to promote Ford Motor Co.’s 1964 Mustang and
7 Microsoft Corp.’s Windows 95.”

8 11. Attached as Exhibit 12 is a true and correct copy of an article titled “The Jesus
9 Phone” by Paul Kedrosky from the *Wall Street Journal* dated June 29, 2007, noting that there has
10 been an “unavoidable drumbeat of hype” around the iPhone and showing a picture of the iPhone.
11 Attached as Exhibit 13 are true and correct copies of excerpts from *USA Today* dated June 29,
12 2007, showing the front page and articles titled “iPhone’s Launch Gives Jobs Butterflies” and
13 “Apple, AT&T CEOs See iPhone as Industry Game-Changer,” dated June 29, 2007, discussing
14 the iPhone.

15 12. Attached as Exhibit 14 is a true and correct copy of an Internet article from
16 *MarketWatch* dated July 26, 2007,⁴ titled “Apple Profit Surges on Mac and iPod Sales,” reporting
17 that Apple sold 270,000 iPhones in less than two days after the product launch.

18 13. Attached as Exhibit 15 is a true and correct copy of an Apple press release dated
19 September 10, 2007,⁵ announcing that Apple had sold 1,000,000 iPhones in just 74 days.

20 14. Attached as Exhibit 16 is a true and correct copy of an article from *USA Today*
21 dated August 22, 2007, titled “Japanese Tech Fans Are Eager to Get Hands on iPhones,”
22 reporting that according to Tsutomu Ishikawa, a Japanese journalist, people in Japan “regard [the
23 iPhone] as cool and advanced. And the interface is easy to use.”

24 ³ <http://www.bloomberg.com/apps/news?pid=21070001&sid=aZrIUC1BgzWU>, printed
25 on June 30, 2011.

26 ⁴ <http://www.marketwatch.com/story/apple-shares-rise-6-as-mac-ipod-and-iphone-drive-earnings>, printed on June 30, 2011.

27 ⁵ <http://www.apple.com/pr/library/2007/09/10iphone.html>, printed on June 23, 2011.

1 15. Attached as Exhibit 17 are true and correct copies of full-page color
2 advertisements for the iPhone that appeared in the *New York Times* on Sunday, August 12, 2007
3 and in the *Philadelphia Inquirer* on Sunday, September 16, 2007, both showing large pictures of
4 the iPhone against a plain background.

5 16. Attached as Exhibit 18 is a true and correct copy of the cover of *Time* magazine's
6 Best Inventions of 2007 issue, dated November 12, 2007,⁶ showing a picture of the iPhone as part
7 of its "Best Inventions of 2007" issue.

8 **B. Evidence Indicating Fame and Success of Subsequent iPhones**

9 17. Attached as Exhibit 19 is a true and correct copy of a screenshot of the *New York*
10 *Times* website's video section,⁷ showing a video about the iPhone 3G dated July 9, 2008, a few
11 days before the iPhone 3G was released.

12 18. Attached as Exhibit 20 is a true and correct copy of an article by David Pogue
13 from the *New York Times* dated June 22, 2010,⁸ titled "New iPhone Arrives; Rivals, Beware,"
14 which reports that a few days before its release, the "iPhone 4 is already a hit" as "AT&T says
15 that it received 10 times as many preorders as it did for the iPhone 3GS last year." According to
16 the same article, "On the first day of taking orders, Apple processed 600,000 requests — before
17 its ordering system, and AT&T's, descended into chaos." The article praised the iPhone 4's
18 design, describing it as "two glass slabs, front and back, wrapped by a stainless-steel band. The
19 result is beautiful, and since there's no more plastic, it feels solid and Lexus-like."

20 19. Attached as Exhibit 21 is a true and correct copy of an Apple press release issued
21 on July 14, 2008,⁹ announcing that Apple sold 1,000,000 iPhone 3G units in the first three days
22 after the iPhone 3G's launch.

23 ⁶ <http://www.time.com/time/covers/0,16641,20071112,00.html>, printed on June 30, 2011.

24 ⁷ [http://video.nytimes.com/video/2008/07/09/technology/personaltech/1194817110882/
25 the-iphone-3g.html](http://video.nytimes.com/video/2008/07/09/technology/personaltech/1194817110882/the-iphone-3g.html), screenshot taken on June 30, 2011.

26 ⁸ <http://www.nytimes.com/2010/06/23/technology/personaltech/23pogue.html>, printed on
27 June 30, 2011.

28 ⁹ <http://www.apple.com/pr/library/2008/07/14iphone.html>, printed on June 23, 2011.

1 20. Attached as Exhibit 22 is a true and correct copy of an Apple press release issued
2 on June 22, 2009,¹⁰ announcing that Apple “sold over one million iPhone 3GS models through
3 Sunday, June 21, the third day after its launch.”

4 21. Attached as Exhibit 23 is a true and correct copy of an Apple press release issued
5 on June 28, 2010,¹¹ announcing these sales figures and quoting Apple CEO Steve Jobs as stating
6 that the iPhone 4G release was “the most successful product launch in Apple history,” and that
7 Apple sold over 1,700,000 units in the first three days after launch.

8 22. Attached as Exhibit 24 are true and correct copies of announcements of awards
9 that Apple has received for its iPhone products. The original iPhone received the 2008
10 International Design Excellence Award (IDEA) Best in Show,¹² a 2008 Design and Art Direction
11 (D&AD) “Black Pencil” award,¹³ and a 2008 International Forum (iF) Product Design Award.¹⁴ It
12 was included among Engadget’s “Ten Gadgets That Defined the Decade.”¹⁵ The iPhone 4 was
13 named Engadget’s 2010 Editors’ Choice Phone of the Year¹⁶ and received the Best Mobile
14 Device award at the Mobile World Congress in February 2011.¹⁷

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17 ¹⁰ <http://www.apple.com/pr/library/2009/06/22iphone.html>, printed on June 23, 2011.

18 ¹¹ <http://www.apple.com/pr/library/2010/06/28iphone.html>, printed on June 23, 2011.

19 ¹² <http://www.idsa.org/category/tags/idea-2008-best>, printed on June 30, 2011.

20 ¹³ [http://www.dandad.org/awards/professional/2008/categories/prod/product-
21 design/22709/iphone](http://www.dandad.org/awards/professional/2008/categories/prod/product-design/22709/iphone), printed on June 30, 2011.

22 ¹⁴ [http://www.ifdesign.de/exhibition_index_e?pagemode=awards&kategorie_id=-
23 1&pagemode=awards&sprache=1&award_id=142&ignore_cat=1&award_name=iF+product+des
24 ign+award&award_jahr=&radio_searchmode=on&search=apple&btn_search.x=15&btn_search.y
25 =19](http://www.ifdesign.de/exhibition_index_e?pagemode=awards&kategorie_id=-1&pagemode=awards&sprache=1&award_id=142&ignore_cat=1&award_name=iF+product+design+award&award_jahr=&radio_searchmode=on&search=apple&btn_search.x=15&btn_search.y=19), printed on June 30, 2011.

26 ¹⁵ <http://www.engadget.com/2009/12/30/ten-gadgets-that-defined-the-decade/>, printed on
27 June 30, 2011.

28 ¹⁶ [http://www.engadget.com/2011/02/25/the-winners-of-the-2010-engadget-awards-
editors-choice/](http://www.engadget.com/2011/02/25/the-winners-of-the-2010-engadget-awards-editors-choice/), printed on June 30, 2011.

¹⁷ http://www.mobileworldcongress.com/awards/global_mobile_awards.htm, printed on
June 30, 2011.

1 23. Attached as Exhibit 25 is a true and correct copy of an excerpt from a report by
2 MillwardBrown Optimor titled “BrandZ Top 100 Most Valuable Global Brands—2011,”¹⁸
3 announcing that Apple topped the BrandZ Top 100 ranking of the most valuable global brands,
4 with an 84 percent year-over-year increase in brand value. The report attributes the brand value
5 to “successful iterations of existing products like the iPhone, creation of the tablet category with
6 iPad, and anticipation of a broadened strategy making the brand a trifecta of cloud computing,
7 software, and innovative, well-designed devices.”

8 **C. Evidence Indicating the iPad’s Commercial Success**

9 24. Attached as Exhibit 26 is a true and correct copy of the front page of the *New York*
10 *Times* dated January 28, 2010, showing a picture of the Apple iPad the day after it was announced
11 and reporting that “[a]fter months of feverish speculation, Steven P. Jobs introduced Wednesday
12 what Apple hopes will be the coolest device on the planet: a slender tablet computer called the
13 iPad.” Attached as Exhibit 27 is a true and correct copy of the front page of *USA Today* dated
14 January 28, 2010, which bears an image of the iPad on the front page. Attached as Exhibit 28 is a
15 true and correct copy of the front page of the *Wall Street Journal* dated January 28, 2010, which
16 also bears an image of the iPad.

17 25. Attached as Exhibit 29 is a true and correct copy of an article from CNN’s website
18 dated February 25, 2010,¹⁹ titled “Dell’s Tablet Gunning for Apple’s iPad,” noting, “Say the
19 words ‘tablet computer’ and ten bucks says it’s Apple’s iPad that springs to mind”, and “With its
20 9.7-inch display, sleek design and Apple's relentless hype, the iPad could alter the way we
21 experience mobile computing.”

22 26. Attached as Exhibit 30 is a true and correct of an article from *Digital Journal*
23 dated March 7, 2010,²⁰ titled “Apple’s First iPad TV Commercial Airs During Academy

24 ¹⁸ [http://www.millwardbrown.com/Libraries/Optimor_BrandZ_Files/
25 2011_BrandZ_Top100_Report.sflb.ashx](http://www.millwardbrown.com/Libraries/Optimor_BrandZ_Files/2011_BrandZ_Top100_Report.sflb.ashx) (printed on June 30, 2011).

26 ¹⁹ <http://www.cnn.com/2010/TECH/02/25/dell.tablet/index.html>, printed on June 30,
27 2011.

28 ²⁰ <http://www.digitaljournal.com/print/article/288710>, printed on June 30, 2011.

1 Awards,” reporting that “[a]t tonight’s Academy Awards, Apple aired its very first television
2 commercial for the upcoming release of their latest device, the iPad.”

3 27. Attached as Exhibit 31 is a true and correct copy of an Apple press release dated
4 April 5, 2010,²¹ announcing that Apple sold over 300,000 iPads the first day that the product was
5 on sale.

6 28. Attached as Exhibit 32 is a true and correct copy of an Apple press release dated
7 June 22, 2010,²² announcing that Apple sold 3,000,000 iPads in just 80 days. Attached as Exhibit
8 33 is a true and correct copy of a *VentureBeat* article dated October 18, 2010,²³ reporting that
9 “Apple has shipped 7.5 million iPads since it launched in April, turning it into the largest player
10 in the tablet computer market.”

11 29. Attached as Exhibit 34 is a true and correct copy of the Engadget review of the
12 iPad dated April 3, 2010,²⁴ which contains multiple color photographs of the iPad showcasing its
13 design. The review notes that “[I]ike most Apple products, it’s a beauty to behold.” The review
14 goes on to compare the iPad to other Apple products, stating, “[I]f you’ve used an iPod touch or
15 iPhone, you’ll find yourself right at home . . . and that’s exactly how Apple wants it.” Similarly,
16 the *San Francisco Chronicle* reported that “the iPad . . . invites more with its wider screen,
17 brighter colors and sleek design.” Attached as Exhibit 35 is a true and correct copy of an article
18 from the *San Francisco Chronicle* dated April 6, 2010,²⁵ titled “With Release of iPad, Apple Has
19 Nailed It Again.”

20 30. Attached as Exhibit 36 is a true and correct compendium of the covers of
21 *Newsweek* for the year 2010, with the cover featuring the iPad circled in red.

22 ²¹ <http://www.apple.com/pr/library/2010/04/05ipad.html>, printed on June 23, 2011.

23 ²² <http://www.apple.com/pr/library/2010/06/22ipad.html>, printed on June 23, 2011.

24 ²³ <http://venturebeat.com/2010/10/18/how-apple-shipped-7-5-million-ipads-after-launching-it-six-months-ago/>, printed on June 30, 2011.

25 ²⁴ <http://www.engadget.com/2010/04/03/apple-ipad-review/>, printed on June 30, 2011.

26 ²⁵ <http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/04/06/EDQR1CPVTT.DTL>, printed on
27 June 30, 2011.

1 31. Attached as Exhibit 37 is a true and correct copy of the cover of *Time* for the week
2 of April 12, 2010, as downloaded from the *Time* website.²⁶

3 32. Attached as Exhibit 38 is a true and correct copy of an article published on the
4 Gizmodo website on January 31, 2010,²⁷ titled “Stephen Colbert Delivers Grammy for Song of
5 the Year from His New Apple iPad.”

6 33. Attached as Exhibit 39 is a true and correct copy of a blog post on the personal
7 weblog Techlogr from February 28, 2010,²⁸ discussing the design of Apple products and showing
8 side-by-side pictures of the iPad and iPhone’s similar designs.

9 34. Attached as Exhibit 40 is a true and correct copy of an article from the *Wall Street*
10 *Journal* dated May 27, 2010,²⁹ titled “Japan’s iPad Frenzy Signals a Sea Change.” The article
11 reports that “[t]he debut of Apple Inc.’s iPad tablet computer in Japan is generating a level of
12 hype and excitement rarely seen these days for a new electronics product in this gadget-loving
13 nation.” It states that the demand for the iPad in Japan was so high that “Softbank Corp., Apple’s
14 exclusive mobile carrier in Japan for the iPad, stopped accepting reservations for the device after
15 only three days.” It also states that “[m]ore than a half-dozen Japanese business and technology
16 magazines ran cover stories about the iPad’s debut, with one declaring in English: ‘Here comes
17 the game-changer.’”

18 35. Attached as Exhibit 41 is a true and correct copy of an article from the *Wall Street*
19 *Journal* dated September 13, 2010,³⁰ titled “Apple Takes its iPad to China,” which reports that in
20 China, consumers “bought iPads brought into the country by traders on the country’s flourishing
21 gray market, in which prices are high.”

22 ²⁶ <http://www.time.com/time/covers/0,16641,20100412,00.html>, printed on June 30, 2011.

23 ²⁷ <http://gizmodo.com/5460921/stephen-colbert-delivers-grammy-for-song-of-the-year-from-his-new-apple-ipad>, printed on Jun 30, 2011.

24 ²⁸ <http://techlogr.tumblr.com/post/417511024/apple-design>, printed on June 30, 2011.

25 ²⁹ [http://online.wsj.com/article/SB1000142405274870363030457526992](http://online.wsj.com/article/SB10001424052748703630304575269921800507634.html)
26 [1800507634.html](http://online.wsj.com/article/SB10001424052748703630304575269921800507634.html), printed on June 30, 2011.

27 ³⁰ [http://online.wsj.com/article/SB1000142405274870363030457526992](http://online.wsj.com/article/SB10001424052748703630304575269921800507634.html)
28 [1800507634.html](http://online.wsj.com/article/SB10001424052748703630304575269921800507634.html), printed on June 30, 2011.

1 36. Attached as Exhibit 42 is an article from Reuters.com dated March 14, 2011,³¹
2 titled “Apple iPad Sales Seen Clearing 1 Million Units,” reporting estimates from analysts that
3 Apple “sold close to 1 million units of its next-generation [iPad 2] tablet computer during its
4 debut weekend,” and noting that the first-generation iPad “crossed the one-million mark 28 days
5 after its launch.”

6 37. Attached as Exhibit 43 is a true and correct article published by CNET on March
7 11, 2011 and updated on June 9, 2011 (italics and emphasis in original),³² observing, “The
8 competition must really hate Apple. The Apple iPad wasn’t just a successful tablet computer in
9 2010—it was *the* tablet computer. In one fell swoop, Apple created the new tablet market and
10 sold tens of millions of iPads in spite of a global economic downturn and considerable
11 skepticism.” The article further notes that, “**The bottom line:** The iPad 2 refines an already
12 excellent product.”

13 38. Attached as Exhibit 44 are true and correct copies of announcements of awards
14 that Apple has received for the iPad. These awards include *Time* magazine naming the iPad one
15 of the 50 Best Inventions of 2010,³³ *Popular Science* heralding it as the Top Tablet in its Best of
16 What’s New 2010 feature,³⁴ Engadget selecting the device as both the 2010 Editors’ Choice
17 Gadget of the Year and Tablet PC of the Year,³⁵ and a 2010 red dot Award for Product Design.³⁶

20 ³¹ [http://www.reuters.com/article/2011/03/14/us-apple-research-](http://www.reuters.com/article/2011/03/14/us-apple-research-idUSTRE72D30020110314)
21 [idUSTRE72D30020110314](http://www.reuters.com/article/2011/03/14/us-apple-research-idUSTRE72D30020110314), printed on June 30, 2011.

22 ³² <http://reviews.cnet.com/apple-ipad-2-review/#reviewPage1>, printed on June 30, 2011.

23 ³³ [http://www.time.com/time/specials/packages/article/0,28804,2029497_](http://www.time.com/time/specials/packages/article/0,28804,2029497_2030652,00.html)
24 [2030652,00.html](http://www.time.com/time/specials/packages/article/0,28804,2029497_2030652,00.html), printed on June 30, 2011.

25 ³⁴ <http://www.popsci.com/bown/2010/product/apple-ipad>, printed on June 30, 2011.

26 ³⁵ [http://www.engadget.com/2011/02/25/the-winners-of-the-2010-engadget-awards-](http://www.engadget.com/2011/02/25/the-winners-of-the-2010-engadget-awards-editors-choice/)
27 [editors-choice/](http://www.engadget.com/2011/02/25/the-winners-of-the-2010-engadget-awards-editors-choice/), printed on June 30, 2011.

28 ³⁶ [http://en.red-dot.org/2783.html?cHash=cd608e03fc641df4440f80](http://en.red-dot.org/2783.html?cHash=cd608e03fc641df4440f80e981e1d631&detail=7562&year=0)
[e981e1d631&detail=7562&year=0](http://en.red-dot.org/2783.html?cHash=cd608e03fc641df4440f80e981e1d631&detail=7562&year=0), printed on June 30, 2011.

1 **D. Samsung's Growing Market Share**

2 39. Attached as Exhibit 45 is a true and correct copy of Samsung Electronics' 2010
3 Annual Report, which boasts:

4 We will bolster our leadership in mobile phones as we aim to
5 become the world's No. 1 handset producer.

6 . . .

7 In 2010, Samsung Electronics reinforced our market leadership by
8 achieving sales of 280 million mobile phones worldwide, up 23%
9 over 2009 and a double-digit increase in operating profits. Our
10 flagship GALAXY S model posted sales of 10 million units, while
11 the GALAXY Tab also led the Android tablet PC market, earning
12 glowing customer reviews. Our leadership in fulltouch and
13 messaging mobile phones continued in both advanced and
14 emerging markets. In 2011, we plan to aggressively challenge a
15 market that grows ever more competitive. By launching GALAXY
16 S II, our flagship strategy smartphone, we will emphasize our
17 category leadership and provide readily available lineup options for
18 global customers. We are expanding and improving Samsung's
19 unique mobile solutions as we strengthen our competitive lead in
20 both services and content.

21 40. Attached as Exhibit 46 is a true and correct copy of a press release from
22 International Data Corporation dated May 5, 2011,³⁷ reporting that, based on data for the
23 worldwide smartphone market for the first quarter of 2011, Samsung's market share increased
24 from 4.3% to 10.8% year-over-year and Samsung's shipments increased 350% year-over-year
25 from 2.4 to 10.8 million units.

26 41. Attached as Exhibit 47 is a true and correct copy of a press release from
27 International Data Corporation dated March 10, 2011,³⁸ stating that Apple's market share for
28 media tablets "came down from 93% in 3Q10 to 73% in 4Q10," with "Samsung's Galaxy Tab
[as] the primary competitor in the holiday season . . . capturing more than 17%" of the market.

29 ³⁷ <http://www.idc.com/getdoc.jsp?containerId=prUS22815911>, printed on June 30, 2011.

30 ³⁸ <http://www.idc.com/about/viewpressrelease.jsp?containerId=prUS22737611>, printed on
31 June 30, 2011.

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I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 1, 2011

/s/ Jason R. Bartlett
JASON R. BARTLETT