

# EXHIBIT 12

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May 6, 2012

**VIA E-MAIL**

Mia Mazza  
Morrison & Foerster LLP  
425 Market Street  
San Francisco, CA 94105

Re: Apple v. Samsung, Case No. 11-cv-01846 (LHK) (N.D. Cal.)

Dear Mia:

I write in response to your May 2, 2012 letter responding to my April 22, 2012 letter requesting an inspection of the Samsung products discussed by Dr. Balakrishnan in his opening expert report (“381 Products”).

Given that expert discovery has already been completed and the upcoming summary judgment deadline of May 17, 2012, the chart containing the information (Android and application version numbers) that you have offered in your letter is wholly insufficient. Federal Rule 26(a)(2)(B)(ii) requires that Apple disclose the facts or data considered by Dr. Balakrishnan in forming his opinion. As he did not rely on your referenced chart to form the opinions offered in his opening report, this chart will not obviate Apple’s duty to make the actual ’381 Products available for inspection.

Samsung originally requested the opportunity to inspect these products on April 22, 2012. Apple has had two weeks to produce them and has failed to do so. The chart that you offered to produce “during the second week of May” will be late in coming and an insufficient resolution to Samsung’s request. Please produce the specific ’381 Products for inspection by May 9, 2012 or Samsung will be forced to file a motion to

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strike portions of Dr. Balakrishnan's opening report for failure to discuss facts and data.

Regards,

/s/ Ketan V. Patel

Ketan V. Patel