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Attorneys for Plaintiff and
 Counterclaim-Defendant Apple Inc.

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION**

14 APPLE INC., a California corporation,
 15 Plaintiff,

16 vs.

17 SAMSUNG ELECTRONICS CO., LTD., a
 Korean business entity, SAMSUNG
 18 ELECTRONICS AMERICA, INC., a New
 York corporation, and SAMSUNG
 19 TELECOMMUNICATIONS AMERICA,
 LLC, a Delaware limited liability company,
 20 Defendants.

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

25 Counterclaim-Plaintiffs,

26 v.

27 APPLE INC., a California corporation,
 28 Counterclaim-Defendant.

Civil Action No. 11-CV-01846-LHK

**DECLARATION OF MARK D. SELWYN
 IN SUPPORT OF APPLE'S MOTION
 FOR SUMMARY JUDGMENT OF NON-
 INFRINGEMENT OF U.S. PATENT
 NUMBER 7,362,867 AND INVALIDITY
 OF U.S. PATENT NUMBERS 7,456,893
 AND 7,577,460**

Date: June 21, 2012
 Time: 1:30 p.m.
 Place: Courtroom 4, 5th Floor
 Judge: Hon. Lucy H. Koh

1 I, Mark D. Selwyn, declare as follows:

2 1. I am a partner with the law firm of Wilmer Cutler Pickering Hale and Dorr LLP
3 and counsel for plaintiff and counterclaim-defendant Apple Inc. I submit this declaration in
4 support of Apple's Motion for Summary Judgment of Non-Infringement of U.S. Patent No.
5 7,362,867 and Invalidity of U.S. Patent Nos. 7,456,893 and 7,577,460. I am familiar with and
6 knowledgeable about the facts stated in this declaration and if called upon could and would
7 testify competently as to the statements made herein.

8 2. Attached hereto as **Exhibit 1** is a true and correct copy of U.S. Patent No.
9 7,362,867.

10 3. Attached hereto as **Exhibit 2** is a true and correct copy of U.S. Patent No.
11 7,456,893.

12 4. Attached hereto as **Exhibit 3** is a true and correct copy of U.S. Patent No.
13 7,577,460.

14 5. Attached hereto as **Exhibit 4** is a true and correct copy of the Expert Report of
15 Richard D. Wesel, Ph.D. Regarding Infringement of U.S. Patent No. 7,362,867, served March
16 22, 2012.

17 6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the
18 deposition of Richard Wesel, taken April 23, 2012.

19 7. Attached hereto as **Exhibit 6** is a true and correct copy of 3GPP TS 25.213
20 v6.0.0.

21 8. Attached hereto as **Exhibit 7** is a true and correct copy of the Expert Report of
22 Wayne Stark Regarding Non-Infringement of U.S. Patent No. 7,362,867, served April 16, 2012.

23 9. Attached hereto as **Exhibit 8** is a true and correct copy of the Declaration of
24 Wayne Stark, dated May 16, 2012.

25 10. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts of the Expert
26 Report of Woodward Yang Regarding the Infringement of U.S. Patent Nos. 7,577,460,
27 7,456,893, 7,698,711 and 7,079,871, served March 22, 2012.

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1 11. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts of the Expert
2 Report of J. Paul Dourish, Ph.D Regarding Invalidity of the Asserted Claims of U.S. Patent No.
3 7,456,893, served March 22, 2012.

4 12. Attached hereto as **Exhibit 11** is a true and correct copy of the Declaration of J.
5 Paul Dourish, dated May 16, 2012.

6 13. Attached hereto as **Exhibit 12** is a true and correct copy of excerpts from the
7 deposition of Woodward Yang, taken May 9, 2012.

8 14. Attached hereto as **Exhibit 13** is a true and correct copy of excerpts from the
9 deposition of Jeong-Seok Oh, taken November 11, 2011.

10 15. Attached hereto as **Exhibit 14** is a true and correct copy of excerpts from the
11 deposition of Sang-Ryul Park, taken November 18, 2011.

12 16. Attached hereto as **Exhibit 15** is a true and correct copy of Samsung's Disclosure
13 of Asserted Claims and Infringement Contentions [Patent L.R. 3-1, 3-2], Exhibit J, served
14 September 7, 2011.

15 17. Attached hereto as **Exhibit 16** is a true and correct copy of excerpts from the
16 deposition of Woodward Yang, taken May 8, 2012.

17 18. Attached hereto as **Exhibit 17** is a true and correct copy of excerpts of the Report
18 of R. Sukumar, entitled "Results from A Survey Measuring Use and Valuation of Four Patented
19 Features (Patented Features: 460, 893, 711, 871) and A Survey of World Clock Patented Feature
20 Usage (Patented Feature 055)," served March 22, 2012.

21 19. Attached hereto as **Exhibit 18** is a true and correct copy of an April 28, 2006
22 Response to a January 28, 2006 Office Action from the file history of the '867 patent, produced
23 in this action as APLNDC-WH-A 0000017904-17919.

24 20. Attached hereto as **Exhibit 19** is a true and correct copy of a December 11, 2006
25 Response to an August 9, 2006 Office Action from the file history of the '867 patent, produced
26 in this action as APLNDC-WH-A 0000017952-17968.

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1 21. Attached hereto as **Exhibit 20** is a true and correct copy of the September 13,
2 2007 Appeal Brief from the file history of the '867 patent, produced in this action as APLNDC-
3 WH-A 0000018016-18050.

4 22. Attached hereto as **Exhibit 21** is a true and correct copy of Samsung's Disclosure
5 of Asserted Claims and Infringement Contentions [Patent L.R. 3-1, 3-2], Exhibit F, served
6 September 7, 2011.

7 23. Attached hereto as **Exhibit 22** is a true and correct copy of excerpts of the Expert
8 Report of Mani Srivastava, Ph.D Regarding Invalidity of the Asserted Claim of U.S. Patent No.
9 7,577,460, served March 22, 2012.

10 24. Attached hereto as **Exhibit 23** is a true and correct copy of the Declaration of
11 Mani Srivastava, dated May 16, 2012.

12 25. Attached hereto as **Exhibit 24** is a true and correct copy of the April 6, 2009
13 Notice of Allowability from the file history of the '460 patent, produced in this action as
14 APLNDC-WH-A 0000014652-14655.

15 26. Attached hereto as **Exhibit 25** is a true and correct copy of the November 14,
16 2002 Amendment in Response to Office Action from the file history of U.S. Patent No.
17 7,139,014 (the parent of the '460 patent), produced in this action as APLNDC-WH-A
18 0000014245-14254.

19 27. Attached hereto as **Exhibit 26** is a true and correct copy of excerpts of the
20 Rebuttal Expert Report of Mani Srivastava, Ph.D Regarding Non-Infringement of the Asserted
21 Claim of U.S. Patent No. 7,577,460, served April 16, 2012.

22 I hereby declare under penalty of perjury under the laws of the United States that the
23 foregoing is true and correct to the best of my knowledge and belief.

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25 Dated: May 17, 2012

/s/ Mark D. Selwyn
Mark D. Selwyn

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on May 17, 2012 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Civil Local Rule 5.4. Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

/s/ Mark. D Selwyn
Mark D. Selwyn