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14 INC. and SAMSUNG

TELECOMMUNICATIONS AMERICA, LLC

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16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

18 APPLE INC., a California corporation,

19 Plaintiff,

20 vs.

21 SAMSUNG ELECTRONICS CO., LTD., a

Korean business entity; SAMSUNG

22 ELECTRONICS AMERICA, INC., a New

York corporation; SAMSUNG

23 TELECOMMUNICATIONS AMERICA,

24 LLC, a Delaware limited liability company,

25 Defendant.

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CASE NO. 11-cv-01846-LHK

**DECLARATION OF JOBY MARTIN IN
SUPPORT OF SAMSUNG'S MOTION TO
EXCLUDE OPINIONS OF CERTAIN OF
APPLE'S EXPERTS**

Date: June 21, 2012

Time: 1:30 pm

Place: Courtroom 8, 4th Floor

Judge: Hon. Lucy H. Koh

1 I, Joby Martin, declare as follows:

2 1. I am an associate in the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,
3 counsel for Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung
4 Telecommunications America, LLC (collectively, "Samsung"). I submit this declaration in
5 support of Samsung's Motion To Exclude Opinions of Certain of Apple's Experts. I have personal
6 knowledge of the facts set forth in this declaration and, if called upon as a witness, I could and
7 would testify to such facts under oath.

8 **TERRY MUSIKA**

9 2. Attached hereto as Exhibit 1 is a true and correct copy of Exhibit 41-S to the
10 Supplemental Expert Report of Terry L. Musika, CPA.

11 3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the May
12 14, 2012 deposition transcript of Terry Musika.

13 4. Attached hereto as Exhibit 3 is a true and correct copy of is a true and correct copy
14 the Expert Report of Terry L. Musika, CPA.

15 5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from a document
16 titled "iPhone Buyer Survey," produced by Apple in this litigation and bearing Bates label
17 APLNDC0000036266.

18 6. Attached hereto as Exhibit 5 is a true and correct copy of the Supplemental Expert
19 Report of Terry L. Musika, CPA.

20 7. Attached hereto as Exhibit 6 is a true and correct copy of Exhibit 32 to the Expert
21 Report of Terry L. Musika, C.P.A.

22 8. Attached hereto as Exhibit 7 is a true and correct copy of Exhibit 32-S to the
23 Supplemental Expert Report of Terry L. Musika, C.P.A.

24 9. Attached hereto as Exhibit 8 is a true and correct copy of Apple Inc.'s Corrected
25 Amended Objections and Responses to Samsung Electronics Co., Ltd.'s Interrogatory Nos. 4, 6, 7,
26 16, 17, and 18 to Apple Inc.

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1 10. Attached hereto as Exhibit 9 is a true and correct copy of Samsung's Supplemental
2 Objections and Responses to Apple's Interrogatories to Defendants Relating to Apple's Motion
3 for a Preliminary Injunction – Set Two (Nos. 10-14).

4 11. Attached hereto as Exhibit 10 is a true and correct copy of Exhibits 17-S through
5 19-S to the Supplemental Expert Report of Terry L. Musika, CPA.

6 **JOHN HAUSER**

7 12. Attached hereto as Exhibit 11 is a true and correct copy the Expert Report of John
8 R. Hauser.

9 13. Attached hereto as Exhibit 12 is a true and correct copy of excerpts from the April
10 27, 2012 deposition transcript of John Hauser.

11 14. Attached hereto as Exhibit 13 is a letter from Samsung's counsel to Apple's
12 counsel, dated April 20, 2012, requesting that Apple provide all notes, audio and/or video
13 recordings, or other information regarding the interviews described in the Hauser Report.

14 15. Attached hereto Exhibit 14 is a true and correct copy of an email from Apple's
15 counsel to Samsung's counsel, dated April 21, 2012. In this email, Apple's counsel states that the
16 documents requested in Samsung's April 20, 2012 letter do not exist.

17 16. Attached hereto as Exhibit 15 is a true and correct copy of excerpts from a
18 document titled "Smartphone Market Study US," produced by Apple in this litigation and bearing
19 Bates label APLNDC-Y0000028850.

20 17. Attached hereto as Exhibit 16 is a letter from Samsung's counsel to Apple's
21 counsel, dated April 8, 2012, requesting that Apple provide all documents or other information
22 regarding the pretests described in the Hauser Report from the files of Mr. Hauser, AMS, or other
23 sources.

24 18. Attached hereto as Exhibit 17 is a true and correct copy of an email from Apple's
25 counsel to Samsung's counsel, dated April 9, 2012. In this email, Apple's counsel states that the
26 documents requested in Samsung's April 8, 2012 letter do not exist.

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