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14 Attorneys for SAMSUNG ELECTRONICS CO.,
LTD., SAMSUNG ELECTRONICS AMERICA,
15 INC. and SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC
16

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION
19

20 APPLE INC., a California corporation,

21 Plaintiff,

22 vs.

23 SAMSUNG ELECTRONICS CO., LTD., a
Korean business entity; SAMSUNG
24 ELECTRONICS AMERICA, INC., a New
York corporation; SAMSUNG
25 TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,
26

27 Defendants.
28

CASE NO. 11-cv-01846-LHK (PSG)

**DECLARATION OF DIANE C.
HUTNYAN IN SUPPORT OF
SAMSUNG'S MOTION TO STRIKE
EXPERT TESTIMONY BASED ON
UNDISCLOSED FACTS AND THEORIES**

Date: June 26, 2012

Time: 10:00 a.m.

Place: Courtroom 5, 4th Floor

Judge: Hon. Paul S. Grewal

1 **DECLARATION OF DIANE C. HUTNYAN**

2 I, Diane C. Hutnyan, declare as follows:

3 1. I am a member of the bar of the State of California and a partner of Quinn
4 Emanuel Urquhart & Sullivan LLP, attorneys for Samsung Electronics Co., Ltd., Samsung
5 Electronics America, inc., and Samsung Telecommunications America, LLC (collectively
6 “Samsung”). I submit this declaration in support of Samsung’s Motion to Strike Expert
7 Testimony Based on Undisclosed Facts and Theories. I have personal knowledge of the facts set
8 forth in this declaration, except as otherwise noted, and, if called upon as a witness, I could and
9 would testify to such facts under oath.

10 2. I, along with other attorneys representing Samsung, attended a March 14, 2012
11 meet and confer session with Apple's counsel, set to address various pending discovery disputes.
12 One of the disputes that the parties discussed at the meeting was Apple's failure to produce the
13 documents underlying two charts produced by Apple that purported to summarize Apple's
14 capacity to manufacture iPhones and iPads. Samsung had questioned Mark Buckley, an Apple
15 Rule 30(b)(6) witness, on the issue of Apple's manufacturing capacity and on the two charts,
16 listed as Exhibits 15 and 16 from Mr. Buckley's February 23, 2012 deposition.

17 3. At the March 14, 2012 meeting, Samsung's counsel again requested that Apple
18 produce the documents underlying Exhibits 15 and 16 from Mr. Buckley’s deposition, but
19 Apple's counsel refused to do so.

20
21 I declare under penalty of perjury under the laws of the United States of America that the
22 foregoing is true and correct.

23 Executed on May 17, 2012, at Los Angeles, California.

24
25 /s/ Diane C. Hutnyan
26 Diane C. Hutnyan