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18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

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21 APPLE INC., a California corporation,
22 Plaintiff,
23 vs.
24 SAMSUNG ELECTRONICS CO., LTD. et.
25 al,
26 Defendant.

CASE NO. 11-cv-01846-LHK

**DECLARATION OF JEFFREY JOHNSON
IN SUPPORT OF SAMSUNG'S MOTION
TO STRIKE EXPERT TESTIMONY
BASED ON UNDISCLOSED FACTS AND
THEORIES**

DECLARATION OF JEFFREY JOHNSON

I, Jeffrey Johnson, declare:

1. I have personal knowledge of the facts set forth herein, and am competent to testify to the same.

2. I submit this declaration in support of Samsung's Motion to Strike Expert Testimony Based On Undisclosed Facts and Theories. If asked at hearings or trial, I am prepared to testify regarding the matters I discuss in this declaration.

3. I have personally inspected, observed, and reviewed Gallery application on the devices referenced in this Declaration, the Samsung Galaxy S i9000 and the Samsung Galaxy S II SGH-I777, both based on Android version 2.3.4.

4. I understand that the Gallery application on certain Samsung devices, including the Samsung Galaxy S i9000 and the Samsung Galaxy S II SGH-I777, has been accused of infringing certain claims of the '381 patent.

5. I understand one of Samsung's non-infringement positions is based on the "hold still" behavior, as referenced in my Report Regarding Non-Infringement of the '381 Patent.

6. I observed the "hold still" behavior in the Gallery application on the Samsung Galaxy S i9000 (Android version 2.3.4). However, despite having the same version of Android (version 2.3.4), the Gallery application on the Samsung Galaxy S II SGH-I777 did not exhibit the "hold still" behavior.

7. This distinction is consistent with my understanding that the Android version number does not provide sufficient information to reproduce the results Dr. Balakrishnan reported in his report regarding the alleged infringement of the '381 patent and discussed during his deposition.

8. It is my understanding that Samsung customizes Android software for its products. It is further my understanding these customizations are not reflected by the Android version number.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on May 17, 2012, in Redwood Shores, California.



JEFFREY JOHNSON