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

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION
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19 APPLE INC., a California corporation,
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Plaintiff,
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vs.
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23 SAMSUNG ELECTRONICS CO., LTD., a
 Korean business entity; SAMSUNG
 ELECTRONICS AMERICA, INC., a New
 24 York corporation; SAMSUNG
 TELECOMMUNICATIONS AMERICA,
 25 LLC, a Delaware limited liability company,

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

**DECLARATION OF JAMES WARD 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

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DECLARATION OF JAMES WARD

I, James Ward, declare as follows:

1. I am an attorney with the law firm of Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Samsung Electronics Co., Ltd., Samsung Electronics America, Inc. and Samsung Telecommunications America, LLC (collectively, "Samsung"). I submit this declaration in support of Samsung's Motion to Strike Expert Testimony Based on Undisclosed Facts and Theories. I have personal knowledge of the facts set forth in this declaration, except as otherwise noted, and, if called upon as a witness, I could and would testify to such facts under oath.

2. On August 26, 2011, Apple served its Infringement Contentions, a true and correct copy of the relevant portions of which is attached hereto as Ex. A. Apple has never amended its Infringement Contentions.

3. On August 3, 2011, Samsung served its First Set of Requests for Production to Apple and its First Set of Interrogatories to Apple, a true and correct copy of the relevant portions of which is attached hereto as Exs. B and C, respectively.

4. On March 22, 2012, Apple served the Expert Report of Dr. Michael Maharbiz, a true and correct copy of the relevant portions of which is attached hereto as Ex. D.

5. On March 9, 2012, Apple served its Corrected Amended Objections and Responses to Samsung's Interrogatory Nos. 4, 6, 7, 16, 17, and 18, a true and correct copy of the relevant portions of which is attached hereto as Ex. E.

6. On March 22, 2012, Apple served the Expert Report of Mr. Peter Bressler, a true and correct copy of the relevant portions of which is attached hereto as Ex. F.

7. On February 7, 2012, Samsung served its Fourth Set of Interrogatories to Apple, a true and correct copy of the relevant portions of which is attached hereto as Ex. G. On March 10, 2012, Apple served its Objections and Responses to Samsung's Fourth Set of Interrogatories, a true and correct copy of the relevant portions of which is attached hereto as Ex. H.

8. On March 22, 2012, Apple served the Expert Report of Dr. Susan Kare, a true and correct copy of the relevant portions of which is attached hereto as Ex. I.

1 9. On March 22, 2012, Apple served the Expert Report of Mr. Sanjay Sood, a true
2 and correct copy of the relevant portions of which is attached hereto as Ex. J.

3 10. On April 20, 2012, in Los Angeles, CA, Samsung took the deposition of Mr.
4 Sanjay Sood, a true and correct copy of the relevant portions of the transcripts of which is
5 attached hereto as Ex. K.

6 11. On March 22, 2012, Apple served the Expert Report of Dr. Tony D. Givargis, a
7 true and correct copy of the relevant portions of which is attached hereto as Ex. L.

8 12. On April 23, 2012, in Los Angeles, CA, Samsung took the deposition of Dr.
9 Tony D. Givargis, a true and correct copy of the relevant portions of the transcripts of which is
10 attached hereto as Ex. M.

11 13. On October 7, 2011, Apple served its Invalidity Contentions, a true and correct
12 copy of the relevant portions of which is attached hereto as Ex. N. Apple has never amended its
13 Invalidity Contentions.

14 14. On December 6, 2011, in Los Angeles, CA, Samsung took the deposition of Dr.
15 Tony D. Givargis, a true and correct copy of the relevant portions of the transcripts of which is
16 attached hereto as Ex. O.

17 15. On March 22, 2012, Apple served the Expert Report of Dr. Ravin Balakrishnan, a
18 true and correct copy of the relevant portions of which is attached hereto as Ex. P.

19 16. On May 6, 2012, Ketan Patel, attorney with Quinn Emanuel Urquhart & Sullivan,
20 LLP, sent a letter via e-mail to Mia Mazza, attorney with Morrison & Foerster, LLP, a true and
21 correct copy of the relevant portions of which is attached hereto as Ex. Q.

22 17. On April 20, 2012, in Washington, D.C., Samsung took the deposition of Dr.
23 Ravin Balakrishnan, a true and correct copy of the relevant portions of the transcripts of which is
24 attached hereto as Ex. R.

25 18. On May 10, 2012, Ketan Patel, attorney with Quinn Emanuel Urquhart &
26 Sullivan, LLP, received a letter via e-mail from Mia Mazza, attorney with Morrison & Foerster,
27 LLP, a true and correct copy of the relevant portions of which is attached hereto as Ex. S.

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1 19. On March 22, 2012, Apple served the Expert Report of Mr. Terry Musika, a true
2 and correct copy of the relevant portions of which is attached hereto as Ex. T.

3 20. On April 16, 2012, Apple served the Rebuttal Expert Report of Mr. Terry
4 Musika, a true and correct copy of the relevant portions of which is attached hereto as Ex. U.

5 21. On February 23, 2012, in San Francisco, CA, Samsung took the deposition of
6 Mark Buckey, a true and correct copy of the relevant portions of the transcripts of which is
7 attached hereto as Ex. V.

8 22. On March 22, 2012, Apple served the Expert Report of Dr. Russell Winer, a true
9 and correct copy of the relevant portions of which is attached hereto as Ex. W.

10 23. On April 16, 2012, Apple served the Non-Infringement Rebuttal Report of Tony
11 D. Givargis, a true and correct copy of the relevant portions of which is attached hereto as Ex. X.

12 I declare under penalty of perjury under the laws of the United States of America that the
13 foregoing is true and correct.

14 Executed on May 17, 2012, in New York, New York.

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/s/ James J. Ward

James J. Ward

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