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

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

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 Defendants.

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

**DECLARATION OF CHRISTOPHER E.
PRICE 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

UNDER SEAL

1 **DECLARATION OF CHRISTOPHER E. PRICE**

2 I, Christopher E. Price, declare as follows:

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

10 2. Apple has produced [REDACTED]. Attached as Exhibit A is a true and correct
11 copy of Samsung's Amended Rule 30(b)(6) Deposition Notice to Apple, Inc. (Damages Topics).

12 3. At the time Samsung deposed Mark Buckley on February 23, 2012
13 [REDACTED] Terry Musika in his April 16, 2012 rebuttal report until after Mr. Buckley's
14 deposition.

15 4. Samsung repeatedly requested that Apple produce all documents underlying its
16 [REDACTED] but Apple has not done so. Attached as Exhibit B is a true and correct copy of a
17 March 2, 2012 letter from Diane C. Hutnyan, counsel for Samsung, to Mia Mazza, counsel for
18 Apple. Attached as Exhibit C is a true and correct copy of a March 7, 2012 letter from Diane C.
19 Hutnyan to Mia Mazza. Attached as Exhibit D is a true and correct copy of a March 12, 2012
20 letter from Diane C. Hutnyan to Mia Mazza. Attached as Exhibit E is a true and correct copy of
21 a March 13, 2012 letter from Diane C. Hutnyan to Jason Bartlett, counsel for Apple, and Mia
22 Mazza. Attached as Exhibit F is a March 18, 2012 letter from Diane C. Hutnyan to Mia Mazza.

23 5. [REDACTED].

24 6. [REDACTED]. Attached as Exhibit I is a true and correct copy of the March 21,
25 2012 letter from Mia Mazza to Diane C. Hutnyan.

26 7. [REDACTED]. Attached as Exhibit N is a true and correct copy of the privilege
27 log served by Apple on April 11, 2012. Attached as Exhibit J is a true and correct copy of the
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1 April 11, 2012 email from Mia Mazza, concerning Apple's production of the following three
2 documents:

3 (a) Document Bates numbered APLNDC00001772330-R-2336-R, a purported
4 [REDACTED] Bates numbered APLNDC0001772330-APLND0001772340 (produced February
5 5, 2012), and a true and correct copy of this document is attached as Exhibit K;

6 (b) Document Bates numbered APLNDC-Y0000051350-R-1356-R, a [REDACTED]
7 Bates numbered APLNDC-Y0000051350-1356 (produced February 16, 2012), and a true and
8 correct copy of this document is attached as Exhibit L; and,

9 (c) Document Bates numbered APLNDC-Y0000236371-R-6405-R, a [REDACTED]
10 Bates numbered APLNDC-Y0000232396-2430 (produced March 8, 2012) and APLNDC-
11 Y0000236371-6405 (produced March 15, 2012), and a true and correct copy of Document Bates
12 numbered APLNDC-Y0000236371-R-6405-R is attached as Exhibit M.

13 8. Attached as Exhibit O is a true and correct copy of relevant excerpts from the
14 transcript of the April 20, 2012 deposition of Dr. Vincent O'Brien.

15 9. On May 9, 2012, Apple produced for the first time in this proceeding, three
16 [REDACTED], true and correct copies of which are attached hereto as Exhibits P (APLNDC-
17 WH0000726437-6474), Q (APLNDC-WH0000726475-6491), and R (APLNDC-
18 WH0000725320-5352).

19 10. On May 11, 2012, Apple [REDACTED]for the first time in this matter, Bates
20 numbered APLNDC-WH-A0000031569-616, a true and correct copy of which is attached as
21 Exhibit S.

22 11. On May 15, 2012, Apple produced [REDACTED], true and correct copies of
23 which are attached hereto as Exhibits Y (APLNDC-WH0000726492-6505), Z (APLNDC-
24 WH0000726506-22), AA (APLNDC-WH0000726523-6533), BB (APLNDC-WH0000726534-
25 6541), CC (APLNDC-WH0000726542-6555), and DD (APLNDC-WH0000726556-6566).

26 12. On May 11, 2012, counsel for Samsung wrote counsel for Apple, requesting that
27 Apple produce all [REDACTED]. Attached as Exhibit T is a true and correct copy of the May
28 11, 2012 letter from Diane C. Hutnyan to Peter J. Kolovos, counsel for Apple. On May 15,

1 2012, Mr. Kolovos responded to Ms. Hutnyan's May 11, 2012 letter. Attached as Exhibit X is a
2 true and correct copy of Mr. Kolovos' letter.

3 13. Attached as Exhibit U is a June 2011 email chain regarding [REDACTED],
4 APL7940018045111-5113. Attached as Exhibit V is a draft "Assignment of License
5 Agreement" with Digitude, produced by Apple in an ITC proceeding and Bates numbered
6 APL7940018045114-5125.

7 14. Attached as Exhibit W is a [REDACTED], produced by Apple in an ITC
8 proceeding and Bates numbered APL7940018046927-6940.

9 15. Attached as Exhibit EE is a true and correct of relevant excerpts from the
10 transcript of the February 23, 2012 deposition of Mark Buckley.

11 16. Attached as Exhibit FF is a true and correct copy of a document Apple produced
12 in this matter, Bates numbered APLNDC-Y0000148459-8473.

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17. Attached as Exhibit GG is a true and correct copy of a document Apple produced in this matter, Bates numbered APLNDC-Y0000148474-8478.

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

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



Christopher E. Price