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 14 AMERICA, INC. and SAMSUNG
 TELECOMMUNICATIONS AMERICA, LLC
 15

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

18 APPLE INC., a California corporation,

CASE NO. 11-cv-01846-LHK

19 Plaintiff,

20 vs.

**DECLARATION OF ALEX BINDER IN
 SUPPORT OF SAMSUNG'S OPPOSITION
 TO APPLE INC.'S MOTION ADVERSE
 INFERENCE JURY INSTRUCTION**

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

24 Defendants.
 25

1 I, Alex Binder, declare:

2 1. I make this declaration in response to Apple Inc.'s Motion for Adverse Inference
3 Jury Instruction ("Apple's Motion").

4 2. I am an attorney in the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,
5 counsel for Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung
6 Telecommunications America, LLC (collectively "Samsung"). I have personal knowledge of the
7 facts set forth in this declaration and, if called upon as a witness, I could and would testify to such
8 facts under oath.

9 3. Under my supervision, contract attorneys for Quinn Emanuel and document
10 production vendors engaged by Quinn Emanuel assisted in gathering the information provided in
11 Paragraphs 5-29 of this Declaration.

12 4. The numbers provided in Paragraphs 5-29 of this Declaration regarding Samsung's
13 and Apple's productions include documents served by the parties in this action, as well as in the
14 following actions: *In the Matter of Certain Electronic Devices, Including Wireless*
15 *Communication Devices, Portable Music and Data Processing Devices, and Tablet Computers,*
16 *USITC Inv. No. 337-TA-794 and Apple Inc. v. Samsung Electronics Co., LTD., et al., and In the*
17 *Matter of Certain Electronic Digital Media Devices and Components Thereof, USITC Inv. No.*
18 *337-TA-796.*

19 5. Samsung has produced over 12,000,000 pages of documents, including over 80,000
20 emails. Specifically, Samsung produced over 9,880,000 pages of documents in the ITC
21 investigations and over 2,150,000 pages in the Northern District of California action.

22 6. Samsung has produced documents and emails from over 380 Samsung employees.

23 7. Samsung has collected documents from more than 180 hard drives in possession of
24 Samsung custodians.

25 8. Samsung has collected more than 14 terabytes of data as a result of its document
26 collection efforts for this litigation.

27 9. Samsung has produced 26 emails sourced to Don Joo Lee.

28 10. Samsung has produced 547 emails sourced to Joon Il Choi.

1 11. Attached hereto as **Exhibit 1** is a true and correct copy of the document produced
2 by Samsung bearing Bates labels SAMNDCA11560890 et seq., sourced to Joon Il Choi.

3 12. [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]

8 13. [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 14. Samsung has produced 2,358 emails sourced to Junho Park.

14 15. [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 16. [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 17. [REDACTED]
25 [REDACTED]
26 [REDACTED]

27 18. Samsung has produced over 5,159 documents, totaling over 71,191 pages, from the
28 Samsung employees identified in the Kim Declaration to Apple's Motion, including the following:

Custodian	Documents Produced	Pages Produced
Don Ju Lee	42	292
Dong Sub Kim	438	4,858
Hangil Song	6	156
Hyoung Shin Park	762	2,857
Ioi Lam	239	6,271
Jong Dae Park	256	5,343
Joon Il Choi	2,077	14,043
Minhyouk Lee	83	3,183
Nara Cho	488	10,046
Seoggeun Kim	262	8,568
Seunghwan Cho	76	934
Sungsik Lee	397	12,097
Won Pyo Hong	18	400
YoungSoon Lee	15	2,143

19. Samsung has produced emails that were sent to or received by the Samsung deponents listed in Apple's Motion that were collected from the custodial files of other Samsung witnesses ("non-custodial emails"). Additionally, Samsung has produced documents that mention the Samsung deponents listed in Apple's Motion that were collected from the custodial files of other Samsung witnesses ("non-custodial documents"). The following chart summarizes at least the number of non-custodial emails Samsung has produced that were sent from or received by certain Samsung deponents mentioned in Apple's Motion and at least the number of additional non-custodial documents Samsung has produced that mention these deponents.

Custodian	Non-Custodial Emails	Non-Custodial Documents
Don Joo Lee	420	31
Dong Sub Kim	124	4

Custodian	Non-Custodial Emails	Non-Custodial Documents
Hangil Song	77	501
Hyoung Shin Park	220	128
Ioi Lam	159	89
Minhyouk Lee	155	1,036
Jong Dae Park	470	150
Joon Il Choi	112	42
Nara Cho	1,027	149
Seunghwan Cho	1,167	327
Seoggeun Kim	1,030	319
Sung Sik Lee	3,102	807
Won Pyo Hong	65	15
Youngsoon Lee	105	52

20. The following chart summarizes the number of emails Apple produced from the custodial files of certain Apple employees relevant to this litigation:

Custodian	Relevance	No. of Emails in Custodial Production	No. of Documents in Custodial Production
Bartley Andre	named inventor of D270, D899, D087, and D677 patents	14	135
BJ Watrous	head patent counsel	0	11
Brian Huppi	named inventor of '607	0	104
Chris Harris	model builder	0	0
Chris Stringer	named inventor of D677, D270, and D889 patents	15	38
Curt Rotherth	software engineer	30	30
Duncan Kerr	named inventor of D087, D677, D270, and patents D899	41	130

Custodian	Relevance	No. of Emails in Custodial Production	No. of Documents in Custodial Production
Eugene Whang	named inventor of D087, D677, D270, and D899 patents	36	146
Evans Hankey	designer	0	21
Jonathan Ive	named inventor of D087, D677, D270, and D899 patents	45	173
Mark Buckley	finance analyst	0	100
Mark Lee	manager, model shop	8	10
Matthew Rohrbach	named inventor of D087, D677, D270, and D889 patents	32	385
Peter Russell-Clarke	named inventor of D270 patent	56	190
Quinn Hoellwarth	Apple in-house attorney, prosecutor of '949, and '757 patents	0	0
Rico Zorkendorfer	named inventor of D087, D677, D270, and D889 patents	15	62
Shin Nishibori	named inventor of D889, D087, D677, D270, and D899 patents.	18	94
Stephen Lemay	named inventor of '163 patent	43	59
Steve Jobs	named inventor of '949, '678, D087, D677, D270, D889, D757, and D678 patents; former CEO	51	54
Wei Chen	technical director	12	37

21. The following chart summarizes the number of non-custodial emails produced for certain Apple custodians, compared to the number of custodial emails produced for each:

Witness	Non-Custodial Emails	Custodial Emails
Chris Stringer	475	15
Douglas Satzger	133	0
Eugene Whang	144	36
Jonathan Ive	759	45
Matthew Rohrbach	112	31
Scott Forstall	1,676	172
Shin Nishibori	43	18
Stephen Lemay	2,028	40
Steve Jobs	2,042	51

22. Attached hereto as **Exhibit 2** is a true and correct copy of Apple Inc.'s Supplemental Identification of Custodians, Search Terms, and Document Retention Notices ("Apple's Defensive Transparency Disclosures"), and Exhibit FF thereto.

23. Attached hereto as **Exhibit 3** is a true and correct copy of Apple Inc. Amended Document Retention Notice Distribution. ("Apple's Offensive Transparency Disclosures").

24. [REDACTED]

25. [REDACTED]

26. [REDACTED]

27. [REDACTED]

1 28. Attached hereto as **Exhibit 4** is a true and correct copy of Apple Inc.'s First
2 Amended and Supplemental Initial Disclosures Pursuant to Rule 26(a)(1) ("Apple's Initial
3 Disclosures").

4 29. The following chart summarizes the dates certain offensive or defensive litigation
5 hold notices were issued or sent to certain individuals named in Apple's Initial Disclosures.

Witness	Potential area(s) of knowledge (at least)	Offensive Litigation Hold Notice Issued	Defensive Litigation Hold Notice Sent
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I declare under penalty of perjury that the foregoing is true and correct. Executed in San Francisco, California on May 29, 2012.

By /s/ Alex Binder
Alex Binder

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GENERAL ORDER ATTESTATION

I, Victoria F. Maroulis, am the ECF user whose ID and password are being used to file the foregoing **DECLARATION OF ALEX BINDER IN SUPPORT OF SAMSUNG'S OPPOSITION TO APPLE INC.'S MOTION FOR ADVERSE INFERENCE JURY INSTRUCTION.** In compliance with General Order 45, X.B., I hereby attest that Alex Binder has concurred in this filing.

DATE: May 29, 2012

/s/ Victoria Maroulis