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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 Defendants.
 27

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

**SECOND SUPPLEMENTAL
 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

REDACTED

1 **SECOND SUPPLEMENTAL 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 second
6 supplemental declaration in support of Samsung's Motion to Strike Expert Testimony Based on
7 Undisclosed Facts and Theories. I have personal knowledge of the facts set forth in this
8 supplemental 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. On May 30, 2012, 13 days after Samsung filed its Motion to Strike – which seeks
11 in part to strike portions of the reports of Apple's damages expert due to Apple's deficient,
12 incomplete, belated, and contradictory production of licensing information – Apple produced for
13 the first time [REDACTED]. A true and correct copy of Peter J.
14 Kolovos's May 31, 2012 letter to Diane C. Hutnyan regarding the production is attached as
15 Exhibit A. [REDACTED]

16 (a) Document Bates numbered APLNDC-WH0000728153-8172, a true and correct
17 copy of which is attached as Exhibit B. [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]. (See Exs. U, V, and
21 W to the Declaration of Christopher E. Price in Support of Samsung's Motion to Strike, Dkt. No.
22 936.)

23 (b) Document Bates numbered APLNDC-WH0000728173-8184, a true and correct
24 copy of which is attached as Exhibit C. [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED];

1 (c) Document Bates numbered APLNDC-WH0000728185-8192, a true and correct
2 copy of which is attached as Exhibit D; and

3 (d) Document Bates numbered APLNDC-WH0000728193-8218, a true and correct
4 copy of which is attached as Exhibit E.

5 3. Three of the four [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]

9 This brings to at least [REDACTED] the number of [REDACTED] Apple has produced in this matter
10 since the close of fact discovery, and brings to [REDACTED] the number of [REDACTED] Apple has
11 produced just since Samsung filed its motion.

12 4. Apple's Rule 30(b)(6) witness on certain licensing issues was deposed on
13 February 23, 2012. Fact discovery in this case closed on March 8, 2012. Samsung served its
14 opening and rebuttal damages reports on March 22 and April 16, 2012, respectively. Obviously,
15 [REDACTED]
16 [REDACTED] – were not available to Samsung or its experts to formulate Samsung's damages
17 theories or respond to Apple's.

18
19 I declare under penalty of perjury under the laws of the United States of America that the
20 foregoing is true and correct.

21 Executed on May 31, 2012, at Los Angeles, California.

22
23
24 
25
26 _____
27 Christopher E. Price
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