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15 Attorneys for SAMSUNG ELECTRONICS
 CO., LTD., SAMSUNG ELECTRONICS
 16 AMERICA, INC. and SAMSUNG
 TELECOMMUNICATIONS AMERICA, LLC
 17

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

20 APPLE INC., a California corporation,

21 Plaintiff,

22 vs.

23 SAMSUNG ELECTRONICS CO., LTD., a
 Korean corporation; SAMSUNG
 24 ELECTRONICS AMERICA, INC., a New
 York corporation; SAMSUNG
 25 TELECOMMUNICATIONS AMERICA,
 LLC, a Delaware limited liability company,

26 Defendants.
 27

CASE NO. 12-CV-00630-LHK

**DECLARATION OF MICHAEL L. FAZIO
 IN SUPPORT OF SAMSUNG'S
 OPPOSITIONS TO APPLE'S MOTION
 TO COMPEL RESPONSES TO
 INTERROGATORIES AND APPLE'S
 MOTION TO COMPEL PRODUCTION
 OF DOCUMENTS AND THINGS**

Date: May 1, 2012

Time: 10:00 a.m.

Place: Courtroom 5, 4th Floor

Judge: Honorable Paul S. Grewal

1 April 2, April 5, April 7, April 10 (two productions), April 11, April 12 (two productions) and
2 April 14. As of the date of this declaration, Samsung's document production totals over 164,000
3 pages.

4 12. On April 11, 2012, the parties met and conferred regarding Apple's Requests for
5 Production and Interrogatories and Samsung's Responses thereto. During this meet and confer,
6 Apple's counsel asked Samsung if Samsung was claiming any privileges other than attorney-client
7 or work product doctrine. Samsung responded that it was asserting a common interest privilege
8 between Samsung and Google. Apple stated that it would "think about" Samsung's invocation of
9 the privilege and "get back to" Samsung. After this meet and confer on April 11, Apple's counsel
10 did not communicate with Samsung's counsel regarding Samsung's claim of the common interest
11 privilege between Samsung and Google.

12 13. During the parties' lead trial counsel in-person meet and confer on April 10, 2012,
13 and though not specifically discussed in the context of any particular Apple Request for
14 Production, the parties generally discussed the burden upon Samsung to collect documents
15 regarding every feature on every Samsung product (i.e. phones, smartphones and tablets) with no
16 date limitation. Though Apple certainly had every opportunity to ask questions regarding
17 Samsung's burden objection and obtain clarification, Apple asked no questions at the April 10,
18 2012 meet and confer or at the follow-up meet and confer on April 11, 2012. Additionally,
19 during the parties' meet and confer on April 10, 2012, Apple acknowledged the burden of
20 Samsung gathering documents for every feature on the foregoing Samsung products with no date
21 limitation, but Apple's counsel stated that it did not believe that that burden upon Samsung
22 justified not searching for and producing those documents.

23 14. Apple has produced over 20,000 pages of documents *after* Samsung deposed three
24 Apple technical experts on the preliminary injunction patents (Nathaniel Polish, Todd Mowry and
25 Ravin Balakrishnan), two Apple declarants regarding irreparable harm (Arthur Rangel and Steven
26 Sinclair) and the inventor of Apple '647 Patent (David Wright). Apple's latest document
27 production of approximately 6,300 pages occurred on April 17, 2012.

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