

# Proctor Declaration

## EXHIBIT 12

1 HAROLD J. MCELHINNY (CA SBN 66781)  
 hmcclhinny@mofo.com  
 2 MICHAEL A. JACOBS (CA SBN 111664)  
 mjacobs@mofo.com  
 3 JENNIFER LEE TAYLOR (CA SBN 161368)  
 jtaylor@mofo.com  
 4 ALISON M. TUCHER (CA SBN 171363)  
 atucher@mofo.com  
 5 RICHARD S.J. HUNG (CA SBN 197425)  
 rhung@mofo.com  
 6 JASON R. BARTLETT (CA SBN 214530)  
 jasonbartlett@mofo.com  
 7 MORRISON & FOERSTER LLP  
 425 Market Street  
 8 San Francisco, California 94105-2482  
 Telephone: (415) 268-7000  
 9 Facsimile: (415) 268-7522

WILLIAM F. LEE  
[william.lee@wilmerhale.com](mailto:william.lee@wilmerhale.com)  
 WILMER CUTLER PICKERING  
 HALE AND DORR LLP  
 60 State Street  
 Boston, MA 02109  
 Telephone: (617) 526-6000  
 Facsimile: (617) 526-5000

MARK D. SELWYN (SBN 244180)  
[mark.selwyn@wilmerhale.com](mailto:mark.selwyn@wilmerhale.com)  
 WILMER CUTLER PICKERING  
 HALE AND DORR LLP  
 950 Page Mill Road  
 Palo Alto, California 94304  
 Telephone: (650) 858-6000  
 Facsimile: (650) 858-6100

11 Attorneys for Plaintiff and  
 12 Counterclaim-Defendant APPLE INC.

<p><b>DEFENDANT'S EXHIBIT</b>  <b>NO. 741.001</b></p> <p>United States District Court          Northern District of California          No. 11-CV-01846-LHK (PSG)  <i>Apple v. Samsung</i></p> <p>Date Admitted: _____ By: _____</p>
--

14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA  
 16 SAN JOSE DIVISION

17 APPLE INC., a California corporation,  
 18  
 Plaintiff,  
 19  
 v.  
 20 SAMSUNG ELECTRONICS CO., LTD., a  
 21 Korean corporation; SAMSUNG  
 22 ELECTRONICS AMERICA, INC., a New  
 23 York corporation; and SAMSUNG  
 TELECOMMUNICATIONS AMERICA,  
 24 LLC, a Delaware limited liability company,  
 Defendants.

Case No. 11-cv-01846-LHK (PSG)

**STIPULATION REGARDING  
 PHYSICAL MODEL AND RELATED  
 PHOTOGRAPHS**

1 Apple Inc. ("Apple"), through its counsel, stipulates as follows:

2 1. The specific physical model identified by Apple industrial designer  
3 Christopher Stringer during his November 4, 2011 deposition, identified as Apple Model 035, is  
4 the same model or mockup appearing in the photographs of the D'889 patent prosecution history  
5 produced by Apple.

6 2. The photographs from the D'889 patent prosecution history produced by Apple are  
7 the highest quality that it has found.

8

9 Dated: November 28, 2011

MORRISON & FOERSTER LLP

10

11

By: /s/ Michael A. Jacobs  
Michael A. Jacobs

12

13

Attorneys for Plaintiff  
APPLE INC.

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28