

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP
Charles K. Verhoeven (Cal. Bar No. 170151)
2 charlesverhoeven@quinnemanuel.com
50 California Street, 22nd Floor
3 San Francisco, California 94111
Telephone: (415) 875-6600
4 Facsimile: (415) 875-6700

5 Kathleen M. Sullivan (Cal. Bar No. 242261)
kathleensullivan@quinnemanuel.com
6 Kevin P.B. Johnson (Cal. Bar No. 177129)
kevinjohnson@quinnemanuel.com
7 Victoria F. Maroulis (Cal. Bar No. 202603)
victoriamaroulis@quinnemanuel.com
8 555 Twin Dolphin Drive 5th Floor
Redwood Shores, California 94065
9 Telephone: (650) 801-5000
Facsimile: (650) 801-5100

10 Susan R. Estrich (Cal. Bar No. 124009)
susanestrich@quinnemanuel.com
11 Michael T. Zeller (Cal. Bar No. 196417)
michaelzeller@quinnemanuel.com
12 865 S. Figueroa St., 10th Floor
Los Angeles, California 90017
13 Telephone: (213) 443-3000
14 Facsimile: (213) 443-3100

15 Attorneys for Samsung Electronics Co., Ltd.,
Samsung Electronics America, Inc., and Samsung
16 Telecommunications America, LLC

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

19 APPLE INC., a California corporation,

20 Plaintiff,

21 vs.

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

26 Defendants.
27
28

CASE NO. 11-cv-01846-LHK

**DECLARATION OF SUSAN R. ESTRICH
IN SUPPORT OF SAMSUNG'S NOTICE
OF MOTION AND MOTION FOR
JUDGMENT AS A MATTER OF LAW,
NEW TRIAL AND/OR REMITTITUR
PURSUANT TO FEDERAL RULES OF
CIVIL PROCEDURE 50 AND 59**

1 I, Susan R. Estrich, declare as follows:

2 1. I am a partner in the Los Angeles office of Quinn Emanuel Urquhart & Sullivan,
3 LLP, counsel for Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and
4 Samsung Telecommunications America, LLC (collectively “Samsung”). I submit this declaration
5 in support of Samsung’s Notice of Motion and Motion for Judgment as a Matter of Law, New
6 Trial, and/or Remittitur. Unless otherwise indicated, I have personal knowledge of the facts set
7 forth in this declaration and, if called upon as a witness, I would testify to such facts under oath.

8 2. Attached hereto as Exhibit A is a true and correct copy of an excerpt of the
9 complaint filed by Seagate Technology, Inc. against Velvin Hogan, which was obtained from the
10 bankruptcy court file, Exhibit B.

11 3. Diane M. Doolittle, a partner in the Silicon Valley office of Quinn Emanuel
12 Urquhart & Sullivan, LLP, is married to Michael F. Grady, the attorney who filed the complaint,
13 Exhibit A, against Velvin Hogan on behalf of Seagate.

14 4. Attached hereto as Exhibit B is a true and correct copy of the bankruptcy court file
15 from *In re Velvin R. Hogan and Carol K. Hogan*, Case No. 93-58291-MM (Bankr. N.D. Cal. Dec.
16 27, 1993).

17 5. Attached hereto as Exhibit C is a true and correct copy of an article entitled
18 “Samsung Sells HDD Division to Seagate for \$1.375 billion.” This copy of the article was
19 printed on September 14, 2012 from the website *engadget* at the following URL:
20 <http://www.engadget.com/2011/04/19/samsung-sells-hdd-division-to-seagate-for-1-375-billion/>.

21 6. Attached hereto as Exhibit D is a true and correct copy of an article entitled
22 “Seagate to Buy Samsung’s Disk-Drive Unit.” This copy of the article was printed on September
23 18, 2012 from the website *The New York Times* at the following URL:
24 <http://dealbook.nytimes.com/2011/04/19/seagate-to-buy-samsung-disk-drive-unit/>.

25 7. Attached hereto as Exhibit E is a true and correct copy of an article entitled
26 “Samsung Hard Drives Now Belong to Seagate.” This copy of the article was printed on
27 September 18, 2012 from the website *The New York Times* at the following URL:
28 <http://bits.blogs.nytimes.com/2011/12/20/seagate-samsung-acquisition/?pagewanted=print>.

1 8. Attached hereto as Exhibit F is a true and correct copy of Seagate's Form 10-K
2 filed on August 17, 2011 for the period ending July 1, 2011.

3 9. Attached hereto as Exhibit G is a true and correct copy of a Yahoo Finance web
4 page identifying the major stock holders of Seagate. This copy of the web page was printed on
5 September 14, 2012 from the website *Yahoo Finance* at the following URL:
6 <http://finance.yahoo.com/q/mh?s=STX+Major+Holders>.

7 10. Attached hereto as Exhibit H is a true and correct copy of an article entitled "I
8 Expected To Be Dismissed': Even jury foreman on Apple case against Samsung admits he thought
9 his own patents would make him ineligible." This copy of the article was printed on August 31,
10 2012 from the website *Mail Online* at the following URL:
11 [http://www.dailymail.co.uk/news/article-2195607/I-expected-dismissed-Jury-foreman-Apple-](http://www.dailymail.co.uk/news/article-2195607/I-expected-dismissed-Jury-foreman-Apple-case-Samsung-thought-patents-make-ineligible.html)
12 [case-Samsung-thought-patents-make-ineligible.html](http://www.dailymail.co.uk/news/article-2195607/I-expected-dismissed-Jury-foreman-Apple-case-Samsung-thought-patents-make-ineligible.html).

13 11. Attached hereto as Exhibit I is a true and correct copy of an article entitled "Apple
14 v. Samsung jury foreman: only the 'court of popular opinion' can change the patent system."
15 This copy of the article was printed on September 20, 2012 from the website *The Verge* at the
16 following URL: [http://www.theverge.com/2012/8/31/3280361/apple-samsung-jury-foreman-](http://www.theverge.com/2012/8/31/3280361/apple-samsung-jury-foreman-velvin-hogan-interview)
17 [velvin-hogan-interview](http://www.theverge.com/2012/8/31/3280361/apple-samsung-jury-foreman-velvin-hogan-interview).

18 12. Attached hereto as Exhibit J is a true and correct copy of an article entitled "Jury
19 foreman in Apple v. Samsung: Verdict a message that copying is a big risk." This copy of the
20 article was printed on August 27, 2012 from the website *Mercury News* at the following URL:
21 [http://www.mercurynews.com/business/ci_21400423/jury-foreman-apple-v-samsung-verdict-](http://www.mercurynews.com/business/ci_21400423/jury-foreman-apple-v-samsung-verdict-message-that)
22 [message-that](http://www.mercurynews.com/business/ci_21400423/jury-foreman-apple-v-samsung-verdict-message-that).

23 13. Attached hereto as Exhibit K is a true and correct copy of an article entitled "Jury
24 Didn't Want to Let Samsung Off Easy in Apple Trial: Foreman." This copy of the article was
25 printed on August 26, 2012 from the website *Reuters* at the following URL:
26 <http://www.reuters.com/assets/print?aid=USBRE87O09U20120825>.

27 14. Attached hereto as Exhibit L is a true and correct copy of an article entitled "Apple
28 versus Samsung: Full interview with the jury foreman." This copy of the article was printed on

