

EXHIBIT B

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January 5, 2012

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Via E-Mail (dhutnyan@quinnemanuel.com)

Diane Hutnyan
Quinn Emanuel
865 S. Figueroa St., 10th Floor
Los Angeles, CA 90017

Re: *Apple v. Samsung*, Case No. 11-cv-1846 LHK (PSG) (N.D. Cal.)

Dear Diane:

I write in response to your letter of January 2, 2012 setting out Samsung's agenda items for the upcoming lead counsel in-person meet-and-confer session. A letter summarizing Apple's positions as described in detail below is attached.

Mac OS X (10.0)

Samsung has requested that Apple produce a working computer that was in public use before July 10, 2001 with a brightness adjustment button and is running the Mac OS X v. 10.0 software that was in public use before July 10, 2001.

Apple originally produced a working 10-year-old computer that it had to piece together from 3 different machines in order to make it operational and source code relating to features at issue on December 15. Samsung requested more code on December 20, and Apple produced the requested code *the next day*.

Samsung now states that the brightness button on the provided computer is nonfunctional and requests a new system with a working brightness button. Samsung appears to already have the software and hardware it is seeking, as this function is pictured in Samsung's invalidity contentions. Moreover, this issue was raised very close to Apple's company-wide shutdown for the holidays, and as a result, we were unable to investigate and determine why there was no working brightness button on the provided system.

An Apple technician visited our offices today and was not able to resolve the problem. He will return tomorrow and continue to investigate the issue.

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Memory Cards

Samsung has requested that Apple return memory cards containing Samsung's work product and confirm that it has destroyed all of Samsung's work product.

Samsung has picked up the memory cards. Apple will expunge prior produced images from production.

De-Designation of 035 Model Photographs

Samsung has requested that Apple de-designate certain photographs of the 035 Model.

We have reviewed the photographs that Samsung requests Apple de-designate and concluded that the photographs have technical information beyond what is available in publicly filed PTO documents. Specifically, each photograph has information relating to scale that is not visible in the PTO record. Apple will produce de-designated versions of these photographs with information relating to scale redacted. The only exceptions are extreme closeups, which Judge Grewal has already noted contain more information than was available in the publicly filed photographs.

If Samsung wishes to replicate the PTO photographs without adding additional visual information or technical detail, Apple will not designate those photographs as confidential.

Source Code and Technical Documents

Samsung claims that Apple has failed to produce source code and technical documents.

This issue was addressed in separate correspondence by Sam Maselli of Wilmer Hale.

Documents Referencing "Samsung" and Other Terms

Samsung claims that Apple has failed to produce documents referencing "Samsung" and "other relevant terms."

Apple has already run "Samsung" as a search term on Apple inventor documents and has been producing those hits.

By January 31, Apple will run "Samsung" as a search term on product marketing, advertising, and market research files relating to research conducted by Apple. If additional delimiters are needed to remove large amounts of irrelevant material, we will disclose those delimiters.

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Apple will not run the terms “Android” or “Droid” without additional delimiters. Test searches reveal that this would result in very large amounts of irrelevant documents from Apple’s collection, which would take months to review. These are general terms that do not apply specifically to Samsung, and given the amount of material, applying these search terms without delimiters would be an undue burden and overly broad.

Surveys and Marketing

Samsung claims that Apple has failed to produce consumer surveys, focus groups, and other marketing-related documents. Contrary to Samsung’s assertion that customer surveys were raised in a letter of December 3, 2011, this issue was raised for the first time in a letter of January 2. There was no mention of a request by Samsung for survey documents in any letter of December 3, 2011 received by Apple.

Nevertheless, Apple will produce by January 31, 2012 final survey reports, questionnaires, and raw survey data for all customer surveys conducted by Apple relating to iPhone, iPod touch, and iPad; and all market research reports purchased by Apple in the ordinary course of business relating to iPhone, iPod touch, and iPad. If, after reviewing the production, Samsung seeks more than this, please let us know.

Financial Documents

Samsung claims that Apple has failed to produce relevant financial documents. Like consumer surveys, production of financial documents was first raised by Samsung in a letter of January 2. Your letter of January 2 states that this issue was discussed during the parties’ last meet-and-confer, but that is untrue; Samsung did not raise Apple’s production of financial documents during the meet-and-confer. In fact, this item was not on Samsung’s agenda at all. *Apple* raised *Samsung’s* failure to produce financial documents on the call, and that is all that was discussed.

Nevertheless, Apple will produce, by the end of next week, at least:

- U.S. and worldwide units by quarter from FY 2007 to 2011 for iPhone, iPod touch, and iPad
- U.S. and worldwide revenue by quarter from FY 2007 to 2011 for iPhone, iPod touch, and iPad
- GAAP line of business reports setting forth Standard Margins, Adjusted Standard Margins, Gross Margins, allocated SG&A, and Research and Development Costs for iPhone, iPod, and iPad for FY 2007 to 2011

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- Bills of Materials for all accused Apple products, including line item cost information
- Capital expenditure data for the U.S. and worldwide relating to iPhone, iPad, and iPod

Apple will produce, by January 31, responsive documents from Apple's product marketing team, including strategic planning documents and market requirements documents.

Apple will produce market research documents as discussed above.

If, after reviewing the production, Samsung seeks more than this, please let us know.

MCOs, Working Prototypes, and Models

Samsung claims that Apple has failed to produce MCOs, working prototypes, and models. These items were first requested by Samsung on December 3, 2011.

Apple has already produced a very large number of design-related materials, including CAD for the original iPhone produced during the preliminary injunction phase; CAD for all other announced iPhone, iPod touch, and iPad products produced by December 30, 2011; sketchbooks relating to announced iPhone, iPod touch, and iPad products produced by December 30, 2011; and e-mails and electronic files of industrial designers substantially completed by October 2011.

Apple will produce, per Judge Grewal's December 22 order, all models, partial models, and parts relating to announced iPhone, iPod touch, and iPad products by January 15, 2012. These models will number in the thousands.

Apple anticipates it will be able to produce MCO data, if any, relating to the external appearance of products that are the subject of asserted patents by January 31.

Apple has a limited number of working prototypes, and will produce the prototypes it finds after a reasonable search. Please confirm Samsung will do the same.

NeXT OS Source Code

Samsung claims that Apple has failed to produce requested NeXT OS source code.

Apple will produce all available NeXT OS source code by January 13. We understand that this resolves Samsung's request.

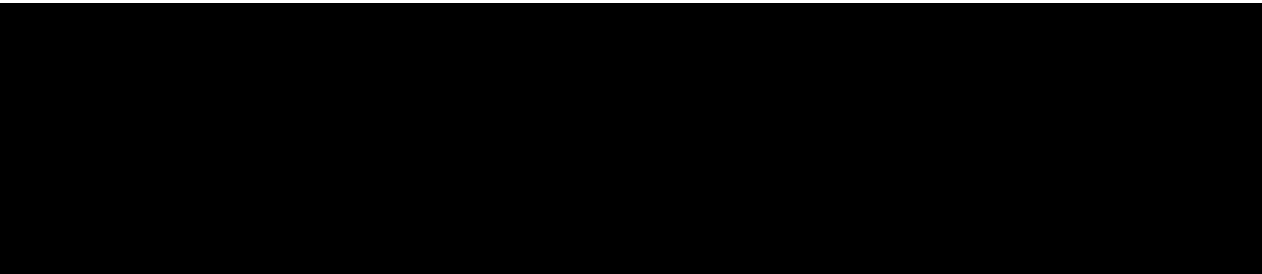
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Mac OS Tiger

Samsung claims that Apple has failed to produce source code for Mac OS Tiger.

Apple understands that Samsung alleges certain “dashboard icons” appearing in Tiger inspired a design patent covering iOS icons. Apple will bring a copy of a released version of Tiger with a screenshot to the conference tomorrow.

Apple will not produce “all documents” relating to Tiger, a request that is significantly overbroad given that the asserted relevance detailed above and goes beyond Samsung’s own requests for production.



Advertising Documents

Samsung claims that Apple has failed to produce all relevant documents identified during Sissie Twiggs’ deposition. Again, this issue was raised for the first time in a letter of December 30.

There is no basis for Samsung’s claim that documents should have been produced before the preliminary injunction deposition of Sissie Twiggs. The scope of preliminary injunction production was negotiated between the parties, and the Twiggs deposition occurred months ago.

Nevertheless, Apple will produce:

- Print, television, and outdoor advertisements by January 13, 2012
- Database reports of iPhone, iPad, and iPod touch use in media by January 13, 2012
- Media plans and “click count” reports for search engine marketing by January 20, 2012
- Advertising campaign binders by January 31, 2012
- Online display advertisements by January 31, 2012

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- Audits of media as run by January 31, 2012

Apple has not found any items called “builds.” Samsung’s request for media “builds” appears to be based on a misreading of Ms. Twiggs’ testimony.

Samsung’s request for demographic studies is addressed above under “Surveys and Marketing.”

If Samsung seeks more than this, please let us know.

Sketchbooks from 2002

Samsung has requested that Apple produce sketchbooks from January 2002 through January 2003.

Samsung’s letter of December 30 is the first time Samsung has made the request for sketchbooks dating back to 2002. Apple disclosed on September 15 that it used a 2003 date cut-off in connection with Industrial Designer document productions. The parties discussed Apple’s 2003 date cut-off on sketchbooks specifically during a meet-and-confer on December 21. Apple invited Samsung to name a date that it considered early enough. Samsung declined to do so. Instead, Samsung asked Apple to confirm in writing what date it used as a cut-off for production of sketchbooks. Apple did so in a letter of December 24, then proceeded to complete scanning and processing of sketchbooks over the Christmas holiday.

Samsung has articulated no basis for its untimely and arbitrary request for pre-January 2003 sketchbooks. Apple sees no evidence that any industrial designer was involved in anything relating to the █████ project, which led to tablet design, until the fall of 2003. As a result, Apple will not produce 2002 sketchbooks.

Keyword Searches of Inventor Documents

Samsung took issue with certain of Apple’s searches in a letter of November 29, 2011 and asked Apple to run 114 new searches. Apple subsequently ran almost all of them. In a letter of December 24, Apple counterproposed search terms in a handful of instances where Samsung’s terms were overbroad, e.g., “look” and “feel.” Samsung submitted a counter-counter proposal on December 30. A table setting out these positions and Apple’s current offer is below.

Search terms for industrial design inventors:

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Term Suggested by Samsung	Delimited Term	Counter-counter proposal by Samsung	Apple's Reply
Corner or radius	corner within 25 of radius	corner* within 25 of (radi* or sharp or round*)	corner* within 5 of (radi* or sharp or round*)
balanc*	balanc* within 10 of (design or border)	balanc* within 25 of (feel or look or design or border or impression)	<i>acceptable</i>
thin or light	thin within 10 of light	(thin* or light* or thick*) within 25 of (design or form or factor or profile or phone)	(thin* or light* or thick*) within 5 of (form or factor or profile or phone)
concept	concept within 10 of design	concept within 10 of (design or iPhone or iPad or [REDACTED] or [REDACTED] or [REDACTED] or phone or screen) <i>Specific concepts to search: pond or puddle or oily</i>	(concept or pond or puddle or oily) within 10 of (design or iPhone or iPad or [REDACTED] or [REDACTED] or [REDACTED] or phone or screen)
target	none - no basis for relevance	target within 25 (audience or customer or user or purchaser)	<i>acceptable</i>
mask	mask and glass and (tablet or display or screen or edge or perimeter)	mask <i>Please provide examples of false hits if Apple claims this term is overly</i>	<i>Will provide in separate correspondence</i>

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		<i>burdensome</i>	
look or feel	look within 10 of feel	<i>Apple's proposed search is sufficient</i>	N/A
simpl*	simpl* within 10 of design	simpl* within 10 of (design or form or factor or appearance or impression or phone)	simpl* within 10 of (design or form or factor or appearance or impression)
minimal*	minimal* within 10 of design	minimal* within 10 of (design or form or factor or appearance or impression or phone)	<i>acceptable</i>
speaker or slot	speaker within 25 of slot	(speaker or "ear piece") within 25 (slot or opening or location or shape)	<i>acceptable</i>
bezel	bezel and (iPhone or iPad or [REDACTED] or [REDACTED] or [REDACTED])	bezel and (iPhone or iPad or [REDACTED] or [REDACTED] or [REDACTED] or phone or screen or glass)	<i>acceptable</i>
chamfer	chamfer within 25 of (bezel or rim or receiver)	<i>Apple's proposed response is sufficient</i>	N/A
button	button within 10 of (home or menu or volume or hold)	button within 10 of (home or menu or volume or hold or locat* or recess* or concave or circ*& or quit or calm or lent*)	<i>acceptable</i>
		tablet	tablet within 10 of

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			computer
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Search terms for Messrs. Chaudhri and Anzures:

grid	grid within 20 of icon	grid within 20 of (icon* or pattern* or layout or display or align* or line* or springboard or row)	grid within 20 of (icon* or pattern* or layout or display or align* or springboard or row)
array	array within 20 of icon	array within 20 of (icon* or pattern* or layout or display or align* or line* or grid or springboard or row)	<i>acceptable</i>
columns	columns within 20 of icon	column* within 20 of (icon* or pattern* or layout or display or align* or line* or grid or springboard or row)	column* within 10 of (icon* or pattern* or layout or display or align* or line* or grid or springboard or row)
message within 20 of (icon or metaphor)	none — no basis for relevance	message within 20 of (icon or metaphor) <i>These terms are relevant to the text message (or instant message) icon depicted in the patented designs, as well as the trademark for the messaging icon.</i>	“message icon” or message within 20 of metaphor
dock	dock within 10 of (icon or bottom or	dock within 20 of (icon* or bottom or row or phone or	dock within 10 of (icon* or bottom or row or phone or

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	row)	homescreen or springboard or place* or arrang* or config* or layout or transparen* or thumb or convenien* or locat*)	homescreen or springboard or place* or arrang* or config* or layout or transparen* or thumb or convenien* or locat*)
status within 5 of bar	none – no basis for relevance	status within 5 of bar <i>These terms are relevant to the status bar at the top of the homescreen, which is depicted in the UI design patents.</i>	status bar within 5 of (icon or design)
springboard	springboard within 10 of (icon or GUI or interface)	springboard within 20 of (phone or iphone or icon* or GUI or UI or interface or design or patent* or grid or column* or look or dock or dots or intuitive or function* or intent* or easy or convenien* or thumb or navigate or unique or novel or wada)	springboard within 5 of (phone or iphone or icon* or GUI or UI or interface or design or patent* or grid or column* or dock or dots or intuitive or function* or intent* or easy or convenien* or thumb or navigate or unique or novel or wada)
target	none — no basis for relevance	target within 25 (audience or user or customer or purchaser)	<i>acceptable</i>

Apple’s Responses to Certain RFPs

Samsung requests that Apple confirm it is “producing all documents and tangibles” relating to several specifically enumerated requests for production relating to willful infringement by Samsung of Apple’s trade dress, trademarks, and design patents, namely Request Nos. 146,

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152, 154, 156, 157, 159, 162, 165, 179, 181, 182, and 192. This issue was raised by Samsung for the first time by letter on December 30, and is unripe for lead counsel meet-and-confer or a motion to compel.

It is unclear to Apple why Samsung has suddenly taken issue, without any meet-and-confer, with these specific requests for production. Nor is it clear what Samsung seeks by its requested confirmation. As stated in Apple's responses to the relevant requests for production, subject to and without waiving its objections, Apple has produced or will produce responsive, non-privileged documents in its possession, custody, or control, if any, located after a reasonable search.

Ive Deposition

Samsung has requested a second day of deposition with Jonathan Ive. Again, this is an unripe issue raised for the first time in Samsung's letter of December 31. Samsung has set out no basis for its request, simply stating that it needs another day of deposition with Mr. Ive and demanding a deposition within the next two weeks.

Samsung had its full measure of deposition time with Mr. Ive. Samsung chose when to take the deposition. Apple will not present Mr. Ive for another day of deposition.

Stanford Archive

Samsung claims that Apple has failed to make available documents and things in the Stanford archive. Yet again, this is an issue raised for the first time in Samsung's letter of January 1, 2012. There has been no prior correspondence on this and no meet-and-confer.

Samsung is seeking Apple's assistance to access a "large collection of the company's historical documents and artifacts" donated to Stanford.

Apple will send a letter to the archive asking Stanford to give access to Samsung. Please let us know the names of the attorneys who will conduct the review. Please also confirm that Samsung will timely produce any documents or things that it obtains from the archive.

* * * *

Six of Samsung's eighteen topics—the most substantive—were raised for the first time on the last days of December or first days of January with no prior correspondence and no meet-and-confer. It is a waste of both Mr. McElhinny's and Mr. Verhoeven's time for one party to bombard the other with letters that simultaneously a) raise issues for the first time and b) purport to tee them up for lead-counsel meet-and-confer. Please refrain from this abusive attempt to circumvent the meet-and-confer process in the future.

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Sincerely,

/s/ Jason R. Bartlett

Jason R. Bartlett

Attachment

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Samsung Request	What Apple Has Produced or Will Produce	What Apple Will Not Produce
<ul style="list-style-type: none"> • Mac OS 10.0 working computer with brightness adjustment button 	<ul style="list-style-type: none"> • Source code relating to feature at issue (12/15) • Working computer loaded with OS 10.0 (12/15) • Follow-up production of requested additional code (12/23) • Apple is continuing to investigate the brightness button issue. 	<ul style="list-style-type: none"> • N/A
<ul style="list-style-type: none"> • Memory card containing Samsung photographs of Apple tablet models. • De-designated photographs of the 035 Model 	<ul style="list-style-type: none"> • Memory card (1/3/2012) • De-designated photographs of the 035 Model with information going beyond PTO record redacted 	<ul style="list-style-type: none"> • De-designated photographs with unredacted scale information or closeups showing more information than is present in PTO record

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Samsung Request	What Apple Has Produced or Will Produce	What Apple Will Not Produce
<ul style="list-style-type: none"> • Documents containing the search term “Samsung” 	<ul style="list-style-type: none"> • Searches for Apple documents containing the term “Samsung” conducted on Apple inventor documents • Searches for Apple documents containing the term “Samsung” will be conducted on product marketing, advertising, and market research files relating to research conducted by Apple by January 31, 2012. • Searches for Apple documents containing the term “Android” or “Droid” with the delimiter DomainSender = Apple, as absent a delimiter, such a search returns tens of thousands of irrelevant documents that would take months to review. 	<ul style="list-style-type: none"> • Search for “Android” or “Droid” without additional delimiters
<ul style="list-style-type: none"> • Customer Surveys and other market research 	<ul style="list-style-type: none"> • Final survey reports, questionnaires and raw survey data for all customer surveys conducted by Apple relating to iPhone, iPod touch and iPad (1/31/2012) • All market research reports purchased by Apple in the ordinary course of business relating to iPhone, iPod touch and iPad. (1/31/2012) 	<ul style="list-style-type: none"> • “All” documents relating to customer surveys (overbroad, unreasonably duplicative, burdensome)

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Samsung Request	What Apple Has Produced or Will Produce	What Apple Will Not Produce
<ul style="list-style-type: none"> • Financial Documents 	<ul style="list-style-type: none"> • U.S. and world wide units by quarter from FY 2007 to 2011 for iPhone, iPod touch and iPad (1/13/2012) • U.S. and world wide revenue by quarter from FY 2007 to 2011 for iPhone, iPod touch and iPad (1/13/2012) • GAAP line of business reports setting forth Standard Margins, Adjusted Standard Margins, Gross Margins, allocated SG&A, and Research and Development Costs for iPhone, iPad and iPod for FY2007 to 2011 (1/13/2012) • Bill of Materials for all accused Apple products (including line item cost information) (1/13/2012) • Capital expenditure data for the U.S. and world wide relating to iPhone, iPad and iPod (1/13/2012) 	<ul style="list-style-type: none"> • “All” Financial Documents (unreasonably duplicative, burdensome, and unreliable)

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Samsung Request	What Apple Has Produced or Will Produce	What Apple Will Not Produce
<ul style="list-style-type: none"> • MCOs • Working Apple prototypes • Models 	<ul style="list-style-type: none"> • CAD for original iPhone (produced during PI phase) • CAD for all other announced iPhone, iPod touch, and iPad products (12/30/2011) • Sketchbooks relating to announced iPhone, iPod touch, and iPad products (12/30/2011) • All emails and electronic files of Industrial Designers (rolling production substantially completed in October 2011) • All models, partial models, and parts relating to announced iPhone, iPod touch and iPad products (1/15/2012) • MCO data, if any, relating to external appearance of products subject of asserted patents (1/31/2012) • Working prototypes 	<ul style="list-style-type: none"> • N/A
<ul style="list-style-type: none"> • NeXT OS Source Code 	<ul style="list-style-type: none"> • All available NeXT OS source code (1/13/2012) 	<ul style="list-style-type: none"> • N/A

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Samsung Request	What Apple Has Produced or Will Produce	What Apple Will Not Produce
<ul style="list-style-type: none"> All documents relating to Tiger operating system (Mac OS 10.4) 	<ul style="list-style-type: none"> Copy of Mac OS Tiger with screenshot showing “dock” icons. 	<ul style="list-style-type: none"> “All” documents relating to Tiger (burdensome, irrelevant; theory of relevance is some icons in iOS, shown in asserted design patent, are were found in Tiger “dock”; no reason to produce any source code, much less “all documents relating to Tiger” based on that)
<ul style="list-style-type: none"> [REDACTED] 	<ul style="list-style-type: none"> [REDACTED] 	<ul style="list-style-type: none"> [REDACTED]

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Samsung Request	What Apple Has Produced or Will Produce	What Apple Will Not Produce
<ul style="list-style-type: none"> • Advertising Documents 	<ul style="list-style-type: none"> • Representative advertising relating to iPhone and iPod touch (produced during PI phase) • Advertising campaign binders (1/31/2011) • Media plans (1/20/2011) • Print advertisements (1/13/2011) • Television advertisements (1/13/2011) • Outdoor advertisements (1/13/2011) • Report of database of iPhone, iPad and iPod touch in media (1/13/2011) • “Click count” reports for Search Engine Marketing (1/20/2011) • Online display advertisements (1/31/2011) • Direct marketing messages (1/31/2011) • Billets reports (audit of advertising as run) (1/31/2011) • Also, primary and secondary market research data as discussed below (see customer surveys and market research) 	<ul style="list-style-type: none"> • “All” documents relating to advertising “builds,” as Apple has not found any such document type. • “All” documents relating to advertising and marketing generally (vague, overbroad)

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Samsung Request	What Apple Has Produced or Will Produce	What Apple Will Not Produce
<ul style="list-style-type: none"> Industrial Designer sketchbooks dated between 1/2002 and 1/2003 	<ul style="list-style-type: none"> Industrial Designer Sketchbooks dated from 1/2003 to the present to the extent related to announced iPhone, iPod touch, and iPad products (rolling production concluded 12/30/2011) 	<ul style="list-style-type: none"> Sketchbooks dating from January 2002 to January 2003 (Samsung could have specifically requested much earlier, but did not. Samsung has provided no reason to think that pre-January 2003 sketchbooks are relevant).
<ul style="list-style-type: none"> Keyword Searches of Inventor Documents 	<ul style="list-style-type: none"> All electronic searches Samsung requested in its letter of November 29 except for certain overbroad search terms (<i>e.g.</i> “look” and “feel”). Apple proposed alternatives to Samsung’s overbroad searches in its letter of December 24. Samsung submitted a counterproposal on December 30. 	<ul style="list-style-type: none"> Apple’s position on Samsung’s counterproposal is in the letter to which this chart is attached.
<ul style="list-style-type: none"> Certain Samsung RFPs Relating to Infringement / Willful Infringement. 	<ul style="list-style-type: none"> Have already produced non-privileged Samsung negotiations documents Any other responsive documents located will be produced as they are found after a reasonable search. 	<ul style="list-style-type: none"> N/A

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Samsung Request	What Apple Has Produced or Will Produce	What Apple Will Not Produce
<ul style="list-style-type: none"> • A second day of deposition with J. Ive (12/31/2012) 	<ul style="list-style-type: none"> • Depositions of every inventor on every asserted patent, including all Industrial Designers 	<ul style="list-style-type: none"> • A second deposition of J. Ive (Samsung's request, raised just days ago, failed to state any basis)
<ul style="list-style-type: none"> • Access to the Stanford Archive of Apple materials (1/1/2012) 	<ul style="list-style-type: none"> • Apple will send a letter to the archive asking Stanford to give access to Samsung. 	<ul style="list-style-type: none"> • N/A