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

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

18 APPLE INC., a California corporation,

19 Plaintiff,

20 v.

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

Defendants.

Case No. 11-cv-01846-LHK

**DECLARATION OF MINN CHUNG IN
 SUPPORT OF APPLE INC.'S MOTION
 FOR RULE 37(B)(2) SANCTIONS FOR
 SAMSUNG'S VIOLATION OF TWO
 DISCOVERY ORDERS**

Date: March 27, 2012
 Time: 10:00 a.m.
 Place: Courtroom 5, 4th Floor
 Judge: Hon. Paul S. Grewal

27 **SUBMITTED UNDER SEAL**

1 I, MINN CHUNG, declare as follows:

2 1. I am an attorney at the law firm of Morrison & Foerster LLP, counsel of record in
3 this action for plaintiff Apple Inc. (“Apple”). I submit this declaration in support of Apple’s
4 Motion for Finding That Samsung Violated Discovery Orders (the “Motion”). Unless otherwise
5 indicated, I have personal knowledge of the matters set forth below. If called as a witness I could
6 and would testify competently as follows:

7 2. I am a native Korean speaker and proficient in written Korean language. I have a
8 Bachelor of Science degree in physics from the Massachusetts Institute of Technology and spent
9 over 15 years developing technology products, both hardware and software, before attending law
10 school.

11 3. Attached hereto as **Exhibit A** is a true and correct copy of Samsung’s Response
12 and Objections to Apple’s Interrogatories Relating to Apple’s Motion for a Preliminary
13 Injunction (No. 1) dated September 19, 2011. In its Response, Samsung identified the following
14 persons as the designers of the Infuse 4G, the Galaxy S 4G, the Galaxy Tab 10.1, and the Droid
15 Charge: Jinsoo Kim, Jung Min Yeo, Minhyouk Lee, GiYoung Lee, Yongseok Bang, Bora Kim,
16 Yunjung Lee, Woogyun Kho, Kihyung Nam, Dooju Byun, Jaegwan Shin, Qi Ling, and Jeeyun
17 Wang (“Designer Custodians”).

18 4. Attached hereto as **Exhibit B** is a true and correct copy of Samsung’s Objections
19 and Responses to Apple’s Interrogatories Relating to Apple’s Motion for a Preliminary Injunction
20 – Set Two (Nos. 10-14), dated September 21, 2011. In its Responses to Apple’s Interrogatories
21 Nos. 10 and 11, Samsung identified the same persons listed in Paragraph 3 above as designers of
22 the Infuse 4G, the Galaxy S 4G, the Galaxy Tab 10.1, and the Droid Charge.

23 5. The last day Samsung produced any document prior to the hearing on Apple’s
24 Motion for a Preliminary Injunction, which was held on October 13, 2011, was October 12, 2011.
25 Two documents numbering ten pages, Bates numbered SAMNDCA00045058-00045067, which
26 appear to be prior art references, were produced on October 12, 2011. No custodian information
27 was provided for these documents by Samsung.

28

1 6. By October 13, 2011, Samsung had produced 2,446 documents in total sourced to
2 the Designer Custodians listed in Paragraph 3 above. Of these, **98 documents, only about**
3 **4 percent**, mentioned Apple or Apple products.

4 7. After October 13, 2011, Samsung produced no documents sourced to any of the
5 Designer Custodians listed in Paragraph 3 above until December 7, 2011.

6 8. Between December 7, 2011 and December 31, 2011, Samsung produced 293
7 documents in total sourced to the Designer Custodians, 84 of which referenced Apple or Apple
8 products. Hence, the percentage of documents referencing Apple or Apple products from the
9 Designer Custodians in this period was **28 percent**, which was a *seven-fold jump* compared to
10 the percentage in Samsung's production up to October 13, 2011.

11 9. *After December 31, 2011*, Samsung produced 4,282 documents sourced to the
12 Designer Custodians, *1,034* of which referenced Apple or Apple products—*over ten times* the
13 number produced during the Preliminary Injunction phase of this case. The percentage of
14 documents referencing Apple or Apple products from the Designer Custodians in this period was
15 24 percent.

16 10. In total, Samsung produced *1,118 documents numbering over 35,000 pages* from
17 the custodial files of the Designer Custodians that reference Apple or Apple products *since*
18 *December 7, 2011*. Of these documents, all but 2 were produced since *December 23, 2011*.

19 11. Attached hereto as **Exhibit C** is a chart summarizing Samsung's production of all
20 documents sourced to the Designer Custodians from the beginning of this case until January 24,
21 2012. As shown in the chart, many of the designers who produced relevant documents on or after
22 December 23, 2011 produced little or no such documents during the Preliminary Injunction phase
23 of this case. For example, no relevant document sourced to Jaegwan Shin was produced before
24 October 13, 2011. The extent of Samsung's production of Jaegwan Shin document before the
25 Preliminary Injunction hearing was limited to a single document produced on October 8, 2011.
26 That document made no mention of Apple or Apple products. On December 23, 2011, however,
27 Samsung produced over two dozen documents sourced to Jaegwan Shin that referenced Apple or
28 Apple products.

1 12. Similarly, Samsung produced only three documents sourced to Jeeyun Wang
2 during the Preliminary Injunction phase. In contrast, Samsung produced *over 950 documents*
3 referencing Apple or Apple products in *January, 2012*, more than three months after the Court
4 ordered deadline of October 7, 2011, and nearly two weeks after the second Court ordered
5 deadline of December 31, 2011.

6 13. The designer custodial documents Samsung produced after December 23, 2011,
7 are highly material to the disputed issues in Apple's Motion for a Preliminary Injunction. Some
8 help refute arguments Samsung made in opposition to Apple's preliminary injunction motion.

9 14. For example, Samsung's Opposition brief claimed that the evidence then in the
10 record "refutes Apple's claim that the ornamental design of its products is the basis for its market
11 share." (Samsung Opposition to Apple's Motion for a Preliminary Injunction ("Opposition")
12 filed Aug. 22, 2011 at 31.) Samsung's belatedly-produced documents tell a different story.
13 Attached hereto as **Exhibit D** is a true and correct copy and a certified translation of excerpts of a
14 document produced by Samsung on January 13, 2012 from the custodial files of Jeeyun Wang.
15 The document contains a study measuring various factors that influence consumers' smartphone
16 purchasing decisions. "Exterior design" is by far the most important purchasing factor, selected
17 by 28% to 40% of the persons surveyed (depending on age). (Ex. D at SAMNDCA10257319.)
18 In contrast, factors such as UI, applications, processing speed, and manufacturer received much
19 lower scores, ranging between a few percent and at most 14.3%. (*Id.*) The document contains the
20 following recommendation: "Need to recognize the importance of exterior design and screen size,
21 as they are customer purchase decision factors." (*Id.*)

22 15. On December 29, 2011, Samsung produced from the custodial files of Bora Kim a
23 document called "Phase 2 Design Strategy," dated October 8, 2007, which shows that Samsung
24 hired design experts from around the world to compare Samsung's then-existing products to the
25 Apple iPhone. A true and correct copy of that study and a certified translation of relevant pages
26 are attached hereto as **Exhibit E**. The experts who took part in the study scored the iPhone higher
27 than Samsung's products in every category of product design, stating that the iPhone's design
28 evoked feelings of "desire, intrigue and delight" better than any Samsung phone. (Ex. E at

1 SAMNDCA00202379.) Samsung's evaluation indicates that these rankings were a composite of
2 numerous individual elements, such as attractive shape and materials; harmonious and original
3 appearance; detailed finish; emotional attachment; and design leadership. (*Id.* at SAMNDCA
4 00202377-78.

5 16. The report concludes with a recommendation to Samsung that it offer its users a
6 "total experience" just like Apple's. For each part of that experience, the document shows an
7 aspect of Apple's brand identity that Samsung should emulate, from Steve Jobs introducing the
8 iPhone to the look of the Apple store. (Ex. E at SAMNDCA 00202363.)

9 17. Samsung's "Phase 2 Design Strategy" shows that Samsung's emphasis on
10 emotional factors reflected a "Change of Design Strategy" to create products that that not only
11 had "logical value" (*e.g.*, good price, performance, and reliability), but that also had "emotional
12 value" that would strengthen their "premium quality" and create an "emotional experience" for
13 customers. (Ex. E at SAMNDCA00202338.) Samsung noted that emotional response is
14 important because it "affect[s] decision making or behavior in a complex manner." (*Id.*)

15 18. Attached hereto as **Exhibit F** is a true and correct copy of an English-language
16 document called "Competitor Analysis GUI Benchmarking," authored by Tanya Anderson and
17 Diana Ng of Samsung and dated April 2008. This document was produced on December 29,
18 2011 and sourced to Minhyouk Lee, the head Samsung designer responsible for the industrial
19 design of Samsung's Galaxy S products. Exhibit F is another example of highly material
20 documents that Samsung failed to produce in a timely manner.

21 19. On page 10 of Exhibit F, Samsung authors note that the iPhone is "the most
22 inspired mobile handset on the market," and is "a delight to the eye as well as a highly usable
23 device." (Ex. F at SAMNDCA00229020.) Samsung's analysis then compares various features of
24 Samsung's phone with the Apple iPhone and other competing phones. Samsung concluded that
25 the iPhone is superior to Samsung's phone in numerous respects. For example, Samsung
26 concluded that the iPhone browser is the "best" as to seven of nine features, and that iPhone
27 browser is the overall "winner." (Ex. F at SAMNDCA00229059-71.)
28

1 20. Samsung's belatedly-produced documents also show that U.S. mobile carriers
2 specifically urged Samsung to make its phone look more like the iPhone. For example, on
3 **January 13, 2012**, Samsung produced a February 2010 email chain, titled "Fwd: RE: Behold III
4 UI Change Required!!," from the custodial files of Jeeyun Wang that includes T-Mobile's
5 comments on Samsung's proposed design. Attached hereto as **Exhibit G** is a true and correct
6 copy of this email chain, including a certified translation of the Korean portions of the first three
7 pages (most of the email is in English). As relayed by the Samsung employee who authored the
8 last email of the chain, T-Mobile (referred to as TMO in the email) demanded a new "look &
9 feel" that is "completely different" from the Samsung design. (Ex. G at SAMNDCA10247537.)
10 Specifically, T-Mobile suggested that Samsung consider "lighter backgrounds and colors
11 throughout," noting that "the iPhone has been successful at achieving a light and airy aesthetic."
12 (*Id.*) T-Mobile also stated that the "iPhone maintains a lively, vivid experience largely due to the
13 'pop' of their icons," and urged Samsung to "create similar magic." (*Id.* at
14 SAMNDCA10247538.)

15 21. Another highly relevant Samsung document sourced to Jeeyun Wang and
16 produced on January 13, 2012 is an email chain summarizing an important February 2010
17 meeting between the President of Samsung's Mobile Communication Division on Design and
18 numerous Samsung designers, including Minhyouk Lee, Yunjung Lee, and Jinsoo Kim. Attached
19 as **Exhibit H** hereto is a true and correct copy of this email and a certified English translation.
20 The email does not indicate the recipients, but it was presumably sent to all of the persons who
21 attended this meeting, including Minhyouk Lee, Yunjung Lee, and Jinsoo Kim. The President of
22 Samsung's Mobile Division strongly criticized the design of Samsung's current phones and, at
23 the same time, praised the iPhone design. He stated:

1 A company goes out of business because of its own success factors. Samsung's
 2 success factors are diligence, sincerity, and acting in an exemplary manner. The
 3 kind that says yes to whatever a carrier wants... That's a shortcut to going out
 4 of business. All the carriers tell me, "Hey JK! Your phones have great
 5 technological prowess and everything's great. But it's hard to sell them as high-
 6 end phones. That's because we spent all of our subsidy funds on the iPhone and
 can't give a penny in subsidy to your phones, so of course your phones will be
 expensive, and then it follows that they won't sell. I hear things like this: *Let's
 make something like the iPhone.*

7 When everybody (both customers and the industry) talks about UX, they
 8 *compare it against the iPhone. The iPhone has become the standard.* That's
 9 how things are already. Do you know how inconvenient the Omnia is? When
 10 you compare 2007 version iPhone with our current Omnia, can you honestly say
 Omnia is better? If you compare the UX of the iPhone, it's a difference between
 Heaven and Earth.

11 (Exh. H at SAMNDCA10247374 (emphasis added).)

12 *Influential figures outside the company come across the iPhone and they point
 13 out that "Samsung is dozing off."* All this time we've been paying all our
 14 attention to Nokia, and concentrated our efforts on things like Folder, Bar, Slide,
**yet when our UX is compared to the unexpected competitor Apple's iPhone,
 the difference is truly that of Heaven and Earth. It's a crisis of design.**

15 All this time, when Operators made comments about the designs we put before
 16 them, we modified and modified again, without missing a single comment. That
 17 style of Business has worked until now. but the iPhone's emergence means the
 time we have to change our methods has arrived

18 (Ex. H at SAMNDCA10247377 (emphasis added).)

19 22. Attached as **Exhibit I** hereto is a true and correct copy of a March 2010 email
 20 produced on January 13, 2012 and sourced to Jeeyun Wang, and a complete and accurate
 21 English translation thereof. The email, titled "To UX executives ...," relays a strongly worded
 22 message from the Samsung CEO, Gee Sung Choi, to the senior designers at Samsung, criticizing
 23 their mindset of "clinging to the past generation." (Ex. I at SAMNDCA10247549). The author
 24 of the email, Principal Designer / Engineer Sungsik Lee, states that "[t]he most representative
 25 example" of the new design is "*obviously the iPhone.*" (*Id.* (emphasis added).) Lee goes on to
 26 say that he is not suggesting "make a UX that is exactly the same as the iPhone," but rather that
 27 Samsung should "learn the wisdom of the iPhone and recognize that they [*i.e., Apple*] have
 28 already set the industry standard."

1 23. Furthermore, there are hundreds of documents in Samsung's December 2011 and
2 January 2012 productions from the Designer Custodian files that show Samsung's detailed
3 analysis of Apple products and/or comparison of Apple products against Samsung products. For
4 example, a document produced January 13, 2012 and sourced to Jeeyun Wang, titled "『GA3』
5 Grade and Quality Satisfaction Evaluation Results," dated November 5, 2010, shows Samsung's
6 detailed side-by-side comparisons of the iPhone 4 against a Samsung product code-named GA3.
7 Attached hereto as **Exhibit J** is a true and correct copy of relevant excerpts of this document and
8 a corresponding translation. Samsung conducted side-by-side comparisons of its product with the
9 iPhone 4 receiving higher satisfaction scores in every single category. (Ex. J at
10 SAMNDCA10252809, 812, 818-22, 825, 832-34.) The comparisons include physical design of
11 the phones as well as the user interface design. For example, in Category 22, the case frame is
12 compared:

- 13 • GA3: The monotonous material and coloring are plain, making it
14 look like it was not a carefully crafted design.
- 15 • iPhone 4: Mixture with metal provides a luxurious and futuristic
16 feeling.

17 (Exh. J at SAMNDCA10252832.)

18 24. For Category 23, Material Satisfaction, the iPhone 4 also comes out on top:

- 19 • GA3: The rear side pattern and plastic material are evaluated as being
20 unsatisfactory.
- 21 • iPhone 4: ... since it is made of metal material and tempered glass, it looks
22 expensive.

23 (Exh. J at SAMNDCA10252833.)

24 25. The result is summarized on page 7 of the report with graphs showing Apple's
25 iPhone 4 receiving higher scores than the Samsung phone in every category. (Ex. J at
26 SAMNDCA10252809.)

27 26. Another example of a late-produced document is an English language document
28 titled "Rollout Strategy: Touch Portfolio / Recommendation Based on Consumer Insight," dated

1 December 17, 2008, which was also produced on January 13, 2012 and sourced to Jeeyun Wang.
2 Attached hereto as **Exhibit K** is a true and correct copy of relevant excerpts of this document,
3 which is called “Touch portfolio Rollout Strategy Recommendation Based on Consumer Insight.”
4 On page 12, the document acknowledges that the iPhone 4 is the most stylish brand “For State of
5 the Art.” The following input from a surveyed user is also included:

6 “I think Apple is so successful because they have come out with a
7 *unique product* [and] you see all other mobile phone providers are
8 trying to copy each other. Apple came out with something
9 different and that’s why *everyone likes Apple because it’s*
10 *different.*”

11 (Ex. K at SAMNDCA10244368.)

12 27. On page 13, the document mentions that “iPhone users show deep loyalty” with
13 quotations from users for “Expression of love” – e.g., “I have an emotional relationship with it” –
14 and “Expression of awe” – e.g., “This thing is world-changing in terms of phones.” (Ex. K at
15 SAMNDCA10244369.) Moreover, on page 19, it is acknowledged that “*Samsung touch phones*
16 *are liked, but not loved.*” (*Id.* at SAMNDCA10244375 (emphasis added).)

17 28. As discussed above, the first time any document mentioning Apple or Apple
18 products was produced from the custodial files of Jaegwan Shin—a Samsung engineer identified
19 as a person having personal knowledge of Samsung’s development and design of the Bounce
20 feature in Samsung products—was December 23, 2011. Many of these documents showed
21 detailed testing and comparison of the utility functional aspects of Apple products by Samsung,
22 including the Bounce effect. Attached hereto as **Exhibit L** is a true and correct copy of a
23 spreadsheet titled “Analysis of Galaxy tab Operation Speed, Screen Effect Analysis,” which was
24 produced on December 23, 2011 and sourced to Jaegwan Shin. Column C of this spreadsheet
25 lists the particular Application being tested, Column D designates the categories for specific
26 function or feature tested, Column E describes the feature or function of Samsung Galaxy tab, and
27 Column F is for “iPad Comparison.” (Ex. L at SAMNDCA00201771-72.) Column G shows
28 “Analysis.”

1 29. Row 20 of this spreadsheet shows a comparison of the Bounce effect for the
2 Contact application. Column D on Row 20 lists “List Bounce” of Galaxy Tab as the feature
3 tested, and Column E describes the Bounce effect of the Samsung product as having “no
4 emotional impact.” (Ex. L at SAMNDCA00201773.) Under Columns F and G, the Bounce
5 effect on the iPad is described as “smooth” and “natural.” (*Id.* at SAMNDCA00201774.)
6 Similarly, on Row 29, the Memo application in Galaxy Tab is described as lacking “emotional
7 impact” due to the Samsung products’ lack of Bounce effect, compared to the iPad, which
8 provides the effect. (*Id.* at SAMNDCA00201773-74.) Rows 39, 54, 61, and 68, show similar
9 comparison of the Bounce feature in the Browser, the Settings, the myFiles, and the Alarm
10 applications in the Galaxy Tab and the iPad. (*Id.* at SAMNDCA00201775-80.)

11 30. There are many more documents in Samsung’s December 2011 and January 2012
12 productions that show Samsung’s detailed analysis of Apple products and comparison of Apple
13 products against Samsung products. Just to give a few examples, these documents include:

- 14 • “Touch Wiz 3.0,” dated 12/8/2009, sourced to Jeeyun Wang, produced
15 1/13/2012: A 90-page document showing a detailed side-by-side comparison of
16 Apple’s iPhone against Samsung’s Touch Wiz 3.0 graphical user interface.
17 (SAMNDCA10247283-372.)
- 18 • “iPhone Touch Response Strategy,” dated 1/11/2007, sourced to Jeeyun Wang,
19 produced 1/13/2012: A 29-page document showing a detailed analysis of the
20 iPhone and a detailed comparison against Samsung products.
21 (SAMNDCA10280077-105.)
- 22 • Email dated 5/9/2011, sourced to Jaegwan Shin, produced 12/23/2012: Email
23 chain showing detailed performance comparisons of iPad and iPad 2 against
24 various Samsung tablet computer products. (SAMNDCA00202089-113.)

25 31. Samsung’s December and January productions also contain survey documents
26 mentioning Apple and its products that should have been produced earlier pursuant to the
27 September 28 and December 22 Orders.
28

1 32. Attached hereto as **Exhibit M** is a true and correct copy of a letter dated
2 November 4, 2011 sent from Apple’s counsel to Samsung’s counsel. The letter confirms the
3 names of the three survey custodians whose files Samsung supposedly searched pursuant to the
4 September 28 Order: Sungwook Kwon, Tim Benner, and Jinna Yoon (the “Survey Custodians”).
5 Attached hereto as **Exhibit N** is a true and correct copy of a chart summarizing Samsung’s
6 production of survey documents from the files of these Survey Custodians. For each Survey
7 Custodian, the chart shows the number of survey documents referencing Apple or its products
8 produced before October 13 and the number of documents produced after that date. Before
9 October 13, Samsung did not produce any survey documents from the files of Survey Custodians
10 at all. In December 2011 and January 2012, Samsung produced 410 documents referencing
11 Apple or its products.

12 33. Like the design documents discussed above, the survey documents withheld from
13 Samsung’s preliminary injunction production contain highly relevant materials that were central
14 to the issues in dispute in Apple’s preliminary injunction motion. For example, attached hereto as
15 **Exhibit O** is a true and correct copy of excerpts from an April, 2011 Smartphone Market
16 Opportunity Study bearing the Bates numbers SAMNDCA00226589-6816. The document was
17 produced by Samsung on December 29, 2011 from the files of Jinna Yoon. In opposition to
18 Apple’s preliminary injunction motion, Samsung argued that “there is no reason to conclude that
19 any particular Samsung customer would switch to Apple instead of another manufacturer if an
20 injunction issued.” (Opposition at 30.) Exhibit P, however, shows that 29% of Samsung
21 customers were considering buying an iPhone in the future. (*Id.* at SAMNDCA00226677.)
22 In fact, as the study shows, there were more Samsung customers who would consider buying an
23 Apple phone than all other brands combined (both Android and non-Android, such as RIM). (*Id.*)

24 34. Attached hereto as **Exhibit P** is a true and correct copy of excerpts from a
25 January 30, 2007 study by The Cambridge Group entitled “Positioning Strategy
26 Recommendation” bearing the Bates numbers SAMNDCA00249029-9120. The document was
27 produced on December 31, 2011 from the files of Tim Benner. The “overall objective” of the
28 study was “to develop relevant, differentiated positioning for Samsung’s mobile phones in the

1 U.S. market in order to drive new momentum in the category.” (Ex. P at SAMNDCA00249031.)
2 The study notes that smart phones and music phones are growing categories expected to be “huge
3 opportunity areas going forward.” (*Id.*) It finds that Apple’s “recently announced introduction of
4 the iPhone is likely to bring new momentum and attention” to these categories. (*Id.* at
5 SAMNDCA00249046.) “Despite relatively modest near-term sales objectives. . .,” the study
6 states, “the impact of the category is likely to be material **because the product will affect**
7 **consumer expectations for design, user interface and presumably cell phone music**
8 **capabilities.”** (*Id.*) The study concludes with a foreboding recommendation: “Although
9 unlikely to have a significant impact on Samsung share in the near term, Apple’s evolving
10 strategy with the iPhone must be monitored carefully as it evolves.” (*Id.* at
11 SAMNDCA00249048.)

12 35. Attached hereto as **Exhibit Q** is a true and correct copy of excerpts from a January
13 2010 Brand Attitude Survey bearing the Bates numbers SAMNDCA00232190-2290. Samsung
14 produced this survey on December 30, 2011 from the files of Tim Benner. The survey shows that
15 the iPhone has a “more distinctive image” than Samsung phones, with significantly higher
16 rankings on image attributes such as “stylish,” “prestigious,” “contemporary,” “young,”
17 “passionate,” and “imaginative.” (Ex. Q at SAMNDCA00232256.) Samsung had a higher
18 ranking only in one factor: “traditional.” Overall, customers ranked Samsung’s phones 18.7
19 points lower than Apple’s in terms of “sensual design.” (*Id.*; *see also, id.* at
20 SAMNDCA00232286-88 (explaining these attributes).)

21 36. Separately and together, the documents discussed above provide solid evidence in
22 support of Apple’s preliminary injunction motion and help refute several claims Samsung made
23 in opposition to that motion. Attached hereto as **Exhibit R** is a list of all documents referencing
24 Apple or Apple products produced on or after December 8, 2011 from the custodial files of the
25 Designer Custodians. Attached hereto as **Exhibit S** is a list of all survey documents referencing
26 Apple or Apple products produced on or after December 8, 2011 from the custodial files of the
27 Survey Custodians. For each entry in these lists, a short description of the nature of reference to
28

1 Apple or Apple products is provided. It is unquestionable that all of these documents should have
2 been produced by October 7, 2011, under the Court's September 28 Order.

3 37. Attached hereto as **Exhibit T** is a true and correct copy of excerpts from the
4 transcript of the September 28, 2011 hearing on Apple's motion to compel.

5 38. Attached hereto as **Exhibit U** is a true and correct copy of Samsung's Amended
6 Identification of Custodians, Litigation Hold Notices and Search Terms dated October 10, 2011.
7 The document was produced to Apple in conjunction with Samsung's production of documents in
8 October, 2011.

9 39. Attached hereto as **Exhibit V** is a true and correct copy of a letter from Sara
10 Jenkins to Wesley Overson dated October 10, 2011.

11 40. Attached hereto as **Exhibit W** is a true and correct copy of a letter from Wesley
12 Overson to Victoria Maroulis dated October 10, 2011.

13 41. Attached hereto as **Exhibit X** is a true and correct copy of a letter from Rachel
14 Kassabian to Wesley Overson dated October 25, 2011.

15 42. Attached hereto as **Exhibit Y** is a true and correct copy of a letter from Wesley
16 Overson to Rachel Kassabian dated November 1, 2011.

17 43. Attached hereto as **Exhibit Z** is a true and correct copy of excerpts from a
18 transcript of a hearing held before this Court on January 19, 2012.

19 44. Attached hereto as **Exhibit AA** is a true and correct copy of an e-mail from
20 Samsung's counsel discussing vendor problems dated October 7, 2011.

21 45. Attached hereto as **Exhibit BB** is a true and correct copy of excerpts from the
22 transcript of the deposition of Justin Denison, Samsung's 30(b)(6) designee, which took place on
23 September 21, 2011.

24 I declare under the penalty of perjury under the laws of the United States of America that
25 the forgoing is true and correct and that this Declaration was executed this 8th day of February
26 2012, at Seoul, South Korea.

By: /s/ Minn Chung
Minn Chung

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ATTESTATION OF E-FILED SIGNATURE

I, Michael A. Jacobs, am the ECF User whose ID and password are being used to file this Declaration. In compliance with General Order 45, X.B., I hereby attest that Minn Chung has concurred in this filing.

Dated: February 8, 2012

/s/ Michael A. Jacobs
Michael A. Jacobs