

EXHIBIT 13

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Via E-Mail (rachelkassabian@quinnemanuel.com)

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

Dear Rachel:

I write in response to your February 2, 2012 letter regarding Samsung's production of financial documents.

Your letter did not indicate whether Samsung will be producing the items described in Erik Olson's letter of January 27, 2012. This is information to which Apple is entitled. For one thing, each of the topics in Mr. Olson's letter falls within an Apple request for production that was served months ago. As a result, Samsung must in its discovery responses state clearly what responsive documents it is willing to produce, and what responsive documents it refuses to produce based upon its objections. As stated in *Moore's Federal Practice*:

There are three basic appropriate responses to a request for production: (1) an objection to the scope, time, method, and manner of the requested production; (2) an answer agreeing to the requested scope, time, place, and manner of production; or (3) a response offering a good faith, reasonable alternative production that is *definite in scope*, time, place or manner. If appropriate, a party may file a hybrid answer, which objects to some of the requested production, while answering the unobjectionable portions.

Moore's Federal Practice 3d § 34.13[2][a] (2011) (emphasis added). See also Fed. R. Civ. P. 34(b)(2)(B)-(C).

Samsung has not done so here. As you know, Samsung refused to indicate whether it would produce documents in response to Apple's requests for production. Instead, in addition to a slew of objections, Samsung stated only that it would "meet and confer" with Apple over the

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scope and relevance of the requested information. That is an improper response that leaves Apple guessing as to what Samsung will produce.

Apple is entitled to know Samsung's position with respect to each item in Mr. Olson's letter. Apple should not have to rummage through Samsung's production and be forced to speculate about whether the production is complete. Please state Samsung's position with respect to each of those items by the end of the weekend. If Samsung refuses to answer, Apple will have no choice but to seek relief from the Court.

Sincerely,

/s/ Marc J. Pernick

Marc J. Pernick

cc: Samuel Maselli
Peter Kolovos
S. Calvin Walden