

EXHIBIT R
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January 2, 2012

VIA E-MAIL

Mia Mazza
Morrison & Foerster
425 Market Street
San Francisco, CA 94105-2482

Re: Apple v. Samsung Electronics, et al., No. 5:11-cv-01846-LHK (N.D.Cal.)

Dear Mia:

I write regarding Apple's continuing failure to produce documents and materials that Samsung has been requesting for weeks – and, in many cases, much longer. In light of Apple's refusal to provide these materials – or to engage in good faith meet and confer discussions regarding these issues – Samsung anticipates that it will be required to file a motion to compel on issues that cannot be resolved by or before the lead counsel in-person meet and confer currently set to take place on January 5, 2012. Samsung hopes to avoid having to file such a motion and hopes that Apple will agree to produce the requested materials so as to make such a motion unnecessary. In order to avoid motion practice, Samsung needs Apple's firm commitment that it will provide the following categories of documents by a date certain as set forth below.

Source Code and Technical Documents

For several weeks now, Samsung has demanded that Apple produce source code and technical documents responsive to Samsung's requests for production. (*See* December 2, 2011 Letter from Chan to Overson.) The documents, which go directly to applications and accused functionalities of the accused Apple products, are essential to Samsung's case. Yet, despite admitting nearly a

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month ago that it was “prepared” to produce source code for all Apple accused products, Apple has failed to produce these materials for inspection or provide a firm date for their production. Thus, while Samsung has made available its source code to Apple, Apple has intentionally withheld documents responsive to Samsung’s requests for production.

Apple’s ongoing failure to produce source code is inexcusable. Because the parties have already exchanged several letters and have met and conferred on this issue, please confirm in writing by the end of the day today that Apple will complete its production of all source code and technical documents outlined in Melissa Chan’s letter of December 2, 2011, as well as Samsung RFP Nos. 39, 195, 196, 200, 202, 205, 207-210, and 212-218, by no later than January 10, 2012.

“Samsung” Documents

In Wesley Overson’s letter of November 15, 2011, Apple made a commitment to search the files of its designers, engineers, marketing custodians and all relevant central files for the term “Samsung” and related terms. Mia Mazza’s letter of December 5, 2011 further confirmed that Apple agreed to search for “Samsung,” any Samsung product at issue, and any aliases related thereto. Apple cannot justify any further delay in complying with the terms of the parties’ reciprocal agreement. Over a month has passed since Apple’s commitment, and Apple has failed to produce these documents despite repeated requests in letters and during the parties’ meet and confer discussions.

Please confirm in writing by the end of the day today that Apple will complete its production of relevant documents from this search by no later than January 10, 2012. Please also confirm that Apple’s searches will include the terms “Android” and “Droid,” as these are logical alias terms that Apple custodians may have used to refer to Samsung’s products or features of Samsung’s products.

Surveys and Marketing Documents

Samsung has also requested that Apple produce documents responsive to Samsung’s requests directed at the market for Apple’s products, including consumer surveys, focus groups and other marketing-related documents. (*See* December 3, 2011, letter from Kassabian to Mazza and Walden.) As we have previously discussed, these documents are responsive to discovery requests that Samsung propounded as early as August. (*See, e.g.*, RFP Nos. 29, 44, 130, 147, 148, 162, 163, 165, 169, 170, 177, 178, 190, 191, and 249.) With respect to Samsung’s defensive case, these documents may show functionality of the asserted designs, competitive analysis or copying of Samsung or other products, and other relevant information. With respect to Samsung’s offensive case, these documents are necessary to adequately question witnesses, including in upcoming depositions, regarding marketing, consumer feedback on the accused features, damages, and other essential issues. Despite Apple’s previously acknowledgements that this is a reciprocal document category, Apple has failed to produce such documents or commit to production by a date certain.

Again, because the parties have discussed this issue at length in correspondence and have met and conferred several times on this issue, please confirm by the end of the day today that Apple

will complete its production of all documents responsive to these requests by no later than January 10, 2012.

Financial Documents

Samsung has requested certain financial documents related to the patents-in-suit and products at issue in this case. (See Samsung RFPs Nos. 6-8, 25, 29, 42-44, 54-55, 69, 116, 130-134, 175, 252-54.) These documents are important for damages analysis as well as other issues, including demonstrating when certain products were introduced into the market. Again, unlike Apple's overbroad requests, which include irrelevant requests for sales and financial data outside of the U.S., Samsung has requested a narrow and specific set of highly relevant documents for production. Again, despite discussing this issue during the parties' last meet and confer, Apple has failed to produce these documents. Samsung demands that Apple confirm by the end of the day today that it will complete its production of these documents by January 10, 2012.

In an effort to avoid unnecessary motion practice, Samsung hopes that Apple will commit to production of these documents without further delay. Please let us know by the end of today, if you will commit to production of these documents by January 10, 2012. Otherwise, these items will be included on the lead counsel meet and confer agenda scheduled for January 5 and Samsung will move to compel production of these items.

Kind regards,

/s/

Diane C. Hutnyan