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CO., LTD., SAMSUNG ELECTRONICS
16 AMERICA, INC. and SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC
17

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

20 APPLE INC., a California corporation,

21 Plaintiff,

22 vs.

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

26 Defendants.
27

CASE NO. 11-cv-01846-LHK

**DECLARATION OF COREY
KERSTETTER IN SUPPORT OF
SAMSUNG'S OPPOSITION TO APPLE'S
MOTION FOR A PERMANENT
INJUNCTION AND DAMAGES
ENHANCEMENT, AND APPLE'S
MOTION FOR JUDGMENT AS A
MATTER OF LAW (RENEWED), NEW
TRIAL, AND AMENDED JUDGMENT**

HIGHLIGHTED VERSION

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DECLARATION OF COREY KERSTETTER

I, Corey Kerstetter, declare as follows:

1. I am currently employed by Samsung Telecommunications America, LLC (“STA”) as the Vice President of Business Planning. I make this declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and would testify as set forth below.

2. As the Vice President of Business Planning, I am familiar with and have knowledge of STA’s importation and sales of certain mobile devices, including the Captivate (Model No. SGH-I897), Continuum (Model No. SCH-I400), Droid Charge (Model No. SCH-I510), Epic 4G (Model No. SPH-D700), Exhibit 4G (Model No. SGH-T759), Fascinate (Model No. SCH-I500), Galaxy Ace (Model No. S5830L), Galaxy Prevail (Model No. SPH-M820), Galaxy S 4G (Model No. SGH-T959V), Galaxy S I9000 (Model No. SGH-I9000), Galaxy S II (AT&T) (Model No. SGH-I777), Galaxy S II (i9100) (Model No. GT-i9100), Galaxy S II (T-Mobile) (Model No. SGH-T989), Galaxy S II Epic 4G Touch (Model No. SPH-D710), Galaxy S II Skyrocket (Model No. SGH-I727), Gem (Model No. SCH-I100), Indulge (Model No. SCH-R910), Infuse 4G (Model No. SGH-I997), Mesmerize (Model No. SCH-I500), Nexus S 4G (Model No. SPH-D720), Replenish (Model No. SPH-M580), Showcase (Model No. SCH-I500), Transform (Model No. SPH-M920), and Vibrant (Model No. SGH-T959).

3. STA has never imported the Galaxy Ace (Model No. S5830L), the Galaxy S I9000 (Model No. SGH-I9000) or the Galaxy S II (i9100) (Model No. GT-i9100) for sale in the United States or sold these products in the United States. [REDACTED]

4. STA has ceased importing and [REDACTED] the Captivate (Model No. SGH-I897), Continuum (Model No. SCH-I400), Droid Charge (Model No. SCH-I510), Epic 4G (Model No. SPH-D700), Exhibit 4G (Model No. SGH-T759), Fascinate (Model No. SCH-I500), Galaxy Prevail (Model No. SPH-M820), Galaxy S 4G (Model No. SGH-T959V), Galaxy S II (AT&T) (Model No. SGH-I777),

1 Gem (Model No. SCH-I100), Indulge (Model No. SCH-R910), Infuse 4G (Model No. SGH-I997),
2 Mesmerize (Model No. SCH-I500), Nexus S 4G (Model No. SPH-D720), Replenish (Model No.
3 SPH-M580), Showcase (Model No. SCH-I500), Transform (Model No. SPH-M920), and Vibrant
4 (Model No. SGH-T959).

5 5. STA last imported the Captivate (Model No. SGH-I897) into the United
6 States on December 4, 2011. STA last imported the Continuum (Model No. SCH-I400) into the
7 United States on September 18, 2011. STA last imported the Droid Charge (Model No. SCH-
8 I510) into the United States on August 26, 2012. STA last imported the Epic 4G (Model No.
9 SPH-D700) into the United States on April 7, 2012. STA last imported the Exhibit 4G (Model
10 No. SGH-T759) into the United States on May 6, 2012. STA last imported the Fascinate (Model
11 No. SCH-I500) into the United States on April 24, 2011. STA last imported the Galaxy Prevail
12 (Model No. SPH-M820) into the United States on September 21, 2012. STA last imported the
13 Galaxy S 4G (Model No. SGH-T959V) into the United States on July 30, 2012. STA last
14 imported the Galaxy S II (AT&T) (Model No. SGH-I777) into the United States on June 13, 2012.
15 STA last imported the Gem (Model No. SCH-I100) into the United States on November 3, 2011.
16 STA last imported the Indulge (Model No. SCH-R910) into the United States on December 4,
17 2011. STA last imported the Infuse 4G (Model No. SGH-I997) into the United States on April
18 24, 2011. STA last imported the Mesmerize (Model No. SCH-I500) into the United States on
19 April 10, 2011. STA last imported the Nexus S 4G (Model No. SPH-D720) into the United
20 States on November 27, 2011. STA last imported the Replenish (Model No. SPH-M580) into the
21 United States on April 24, 2012. STA last imported the Showcase (Model No. SCH-I500) into
22 the United States on May 12, 2012. STA last imported the Transform (Model No. SPH-M920)
23 into the United States on August 24, 2011. STA last imported the Vibrant (Model No. SGH-
24 T959) into the United States on April 28, 2011.

25 6. STA last sold the Captivate (Model No. SGH-I897) on May 9, 2012. STA
26 last sold the Continuum (Model No. SCH-I400) on March 2, 2012. STA last sold the Droid
27 Charge (Model No. SCH-I510) on September 6, 2012. STA last sold the Epic 4G (Model No.

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1 SPH-D700) on April 26, 2012. STA last sold the Exhibit 4G (Model No. SGH-T759) on May 16,
2 2012. STA last sold the Fascinate (Model No. SCH-I500) on May 9, 2012. STA last sold the
3 Galaxy Prevail (Model No. SPH-M820) on October 5, 2012. STA last sold Galaxy S 4G (Model
4 No. SGH-T959V) on August 15, 2012. STA last sold the Galaxy S II (AT&T) (Model No. SGH-
5 I777) on June 26, 2012. STA last sold the Gem (Model No. SCH-I100) on May 9, 2012. STA
6 last sold the Indulge (Model No. SCH-R910) on December 29, 2011. STA last sold the Infuse 4G
7 (Model No. SGH-I997) on May 10, 2012. STA last sold the Mesmerize (Model No. SCH-I500)
8 on June 7, 2012. STA last sold the Nexus S 4G (Model No. SPH-D720) on March 20, 2012.
9 STA last sold the Replenish (Model No. SPH-M580) on May 3, 2012. STA last sold the
10 Showcase (Model No. SCH-I500) on September 27, 2012. STA last sold the Transform (Model
11 No. SPH-M920) on August 29, 2011. STA last sold the Vibrant (Model No. SGH-T959) on
12 October 24, 2011.

13 7. STA has stopped selling and [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

22 9. As the Vice President of Business Planning, I am also familiar with and
23 have knowledge of STA's importation and sales of certain tablet computers, including the Galaxy
24 Tab 10.1 (WiFi) (Model No. GT-P7510), Galaxy Tab 7.0 (WiFi) (Model No. SGT-P1010/UW16),
25 Galaxy Tab 7.0 (3G) (Model No. SCH-I800), and Galaxy Tab 7.0 (3G) (Model No. SGH-T849).

26 10. STA has ceased importing and [REDACTED]
[REDACTED]

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1 11. STA last imported the Galaxy Tab 10.1 (WiFi) (Model No. GT-P7510) into
2 the United States on August 14, 2011. STA last imported the Galaxy Tab 7.0 (WiFi) (Model No.
3 SGT-P1010/UW16) into the United States on May 27, 2011. STA last imported the Galaxy Tab
4 7.0 (3G) (Model No. SCH-I800) on June 10, 2012. STA last imported the Galaxy Tab 7.0 (3G)
5 (Model No. SGH-T849) into the United States on July 9, 2011.

6 12. STA last sold the Galaxy Tab 10.1 (WiFi) (Model No. GT-P7510) on April
7 26, 2012. STA last sold the Galaxy Tab 7.0 (WiFi) (Model No. SGT-P1010/UW16) on August
8 25, 2011. STA last sold the Galaxy Tab 7.0 (3G) (Model No. SCH-I800) on August 21, 2012.
9 STA last sold the Galaxy Tab 7.0 (3G) (Model No. SGH-T849) on November 4, 2011.

10 13. STA has discontinued the sale of and [REDACTED]
[REDACTED] Attached hereto as **Exhibit 1** is a true and correct
12 copy of a table listing the dates of last import and last sale by STA of the products listed in the
13 preceding paragraphs.

14 14. As the Vice President of Business Planning I am also familiar with and have
15 knowledge of STA's actual sales of the Droid Charge (Model No. SCH-I510), Galaxy Prevail
16 (Model No. SPH-M820), Galaxy S 4G (Model No. SGH-T959V), Galaxy S II (T-Mobile) (Model
17 No. SGH-T989), Galaxy S II Epic 4G Touch (Model No. SPH-D710), Galaxy S II Skyrocket
18 (Model No. SGH-I727), and Showcase (Model No. SCH-I500) in the third quarter of 2012, and
19 forecasted sales for [REDACTED]

[REDACTED]
[REDACTED]
22 15. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]

5 [REDACTED] Attached hereto as **Exhibit 2** is a true and correct copy of a table listing
6 STA's sales of the Droid Charge (Model No. SCH-I510), Galaxy Prevail (Model No. SPH-M820),
7 Galaxy S 4G (Model No. SGH-T959V), Galaxy S II (T-Mobile) (Model No. SGH-T989), Galaxy
8 S II Epic 4G Touch (Model No. SPH-D710), Galaxy S II Skyrocket (Model No. SGH-I727), and
9 Showcase (Model No. SCH-I500) in the third quarter of 2012.

10 16. [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 18. In the course of its business, Samsung calculates the operating profit per-
24 unit generated from each sale of the Galaxy S II (T-Mobile) (Model No. SGH-T989) and Galaxy S
25 II Epic 4G Touch (Model No. SPH-D710) in the United States. In the third quarter of 2012, the
26 average per-unit operating profit for the Galaxy II (T-Mobile) (Model No. SGH-T989) was [REDACTED]

27 [REDACTED]
28 [REDACTED]

1 In the third quarter of 2012, the average per-unit operating profit for the Galaxy II Epic 4G Touch
2 (Model No. SPH-D710) was [REDACTED]

3 I declare under penalty of perjury under the laws of the United States of America
4 that the foregoing is true and correct.

5 Executed October 19, 2012, at Richardson, Texas.

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EXHIBIT 1

Model No.	Marketing Name	Date of Last Importation by STA (or Expected Date)	Date of Last Sale By STA (or Expected Date)
SGH-I897	Captivate	12/4/2011	5/9/2012
SCH-I400	Continuum	9/18/2011	3/2/2012
SCH-I510	Droid Charge	8/26/2012	9/6/2012
SPH-D700	Epic 4G	4/7/2012	4/26/2012
SGH-T759	Exhibit 4G	5/6/2012	5/16/2012
SCH-I500	Fascinate	4/24/2011	5/9/2012
S5830L	Galaxy Ace	n/a	n/a
SPH-M820	Galaxy Prevail	9/21/2012	10/5/2012
SGH-T959V	Galaxy S 4G	7/30/2012	8/15/2012
SGH-I9000	Galaxy S I9000	n/a	n/a
SGH-I777	Galaxy S II (AT&T)	6/13/2012	6/26/2012
GT-I9100	Galaxy S II (I9100)	n/a	n/a
GT-P7510	Galaxy Tab 10.1 (WiFi)	8/14/2011	4/26/2012
SGT-P1010/UW16	Galaxy Tab 7.0 (WiFi)	5/27/2011	8/25/2011
SCH-I800	Galaxy Tab 7.0 (3G)	6/10/2012	8/21/2012
SGH-T849	Galaxy Tab 7.0 (3G)	7/9/2011	11/4/2011
SCH-I100	Gem	11/3/2011	5/9/2012
SCH-R910	Indulge	12/4/2011	12/29/2011
SGH-I997	Infuse 4G	4/24/2011	5/10/2012
SCH-I500	Mesmerize	4/10/2011	6/7/2012
SPH-D720	Nexus S 4G	11/27/2011	3/20/2012
SPH-M580	Replenish	4/24/2012	5/3/2012
SCH-I500	Showcase	5/12/2012	9/27/2012
SPH-M920	Transform	8/24/2011	8/29/2011
SGH-T959	Vibrant	4/28/2011	10/24/2011
SGH-i727	Galaxy S II Skyrocket Black Version	█	█
SGH-i727	Galaxy S II Skyrocket White Version	█	█
SGH-T989	Galaxy S II (T-Mobile) Black Version	█	█
SGH-T989	Galaxy S II (T-Mobile) White Version	█	█
SPH-D710	Galaxy S II Epic 4G Touch Black Version	█	█
SPH-D710	Galaxy S II Epic 4G Touch White Version	█	█

EXHIBIT 2

Product	Model Number	3Q Unit Sales	July 2012 Unit Sales	August 2012 Unit Sales	September 2012 Unit Sales
Droid Charge	SCH-I510	██████████	██████████	██████████	██████████
Galaxy Prevail	SPH-M820	██████████	██████████	██████████	██████████
Galaxy S 4G	SGH-T959V	██████████	██████████	██████████	██████████
Galaxy S II (T-Mobile) All Colors	SGH-T989	██████████	██████████	██████████	██████████
Galaxy S II (T-Mobile) Black	SGH-T989	██████████	██████████	██████████	██████████
Galaxy S II (T-Mobile) White	SGH-T989	██████████	██████████	██████████	██████████
Galaxy S II Epic 4G Touch All Colors	SPH-D710	██████████	██████████	██████████	██████████
Galaxy S II Epic 4G Touch Black	SPH-D710	██████████	██████████	██████████	██████████
Galaxy S II Epic 4G Touch White	SPH-D710	██████████	██████████	██████████	██████████
Galaxy S II Skyrocket All Colors	SGH-I727	██████████	██████████	██████████	██████████
Galaxy S II Skyrocket Black	SGH-I727	██████████	██████████	██████████	██████████
Galaxy S II Skyrocket White	SGH-I727	██████████	██████████	██████████	██████████
Showcase	SCH-I500	██████████	██████████	██████████	██████████
Total Units Sold		██████████	██████████	██████████	██████████