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LTD., SAMSUNG ELECTRONICS AMERICA,  
14 INC. and SAMSUNG  
TELECOMMUNICATIONS AMERICA, LLC  
15

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

18 APPLE INC., a California corporation,

19 Plaintiff,

20 vs.

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

24 Defendants.  
25

CASE NO. 11-cv-01846-LHK

**DECLARATION OF JOHN PIERCE IN  
SUPPORT OF SAMSUNG'S OPPOSITION  
TO APPLE'S MOTION FOR A  
PERMANENT INJUNCTION AND  
DAMAGES ENHANCEMENT**

1 I, JOHN PIERCE, declare as follows:

2 1. I am a partner in the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,  
3 counsel for Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung  
4 Telecommunications America, LLC (collectively, "Samsung"). I submit this declaration in  
5 support of Samsung's Opposition to Apple's Motion for a Permanent Injunction and Damages  
6 Enhancement. I have personal knowledge of the facts set forth in this declaration and, if called  
7 upon as a witness, I could and would testify to such facts under oath.

8 2. Attached hereto and filed manually herewith as Exhibit 1 are true and correct  
9 copies of the following reports:

- 10 • "Apple co-founder Wozniak says he hates Samsung patent verdict" by Bonnie Cao,  
11 Sept. 14, 2012, printed from the *Financial Post* website at the following URL:  
12 [http://business.financialpost.com/2012/09/14/apple-co-founder-wozniak-says-he-](http://business.financialpost.com/2012/09/14/apple-co-founder-wozniak-says-he-hates-patent-samsung-patent-verdict)  
13 [hates-patent-samsung-patent-verdict.](http://business.financialpost.com/2012/09/14/apple-co-founder-wozniak-says-he-hates-patent-samsung-patent-verdict)
- 14 • "Apple-Samsung patent fight: Fuzzy math" by Brian J. Love, Aug. 30, 2012,  
15 printed from the *Los Angeles Times* website at the following URL:  
16 [http://articles.latimes.com/2012/aug/30/opinion/la-oe-love-apple-patent-damages-](http://articles.latimes.com/2012/aug/30/opinion/la-oe-love-apple-patent-damages-20120830)  
17 [20120830.](http://articles.latimes.com/2012/aug/30/opinion/la-oe-love-apple-patent-damages-20120830)
- 18 • "Has Apple Peaked?" by Joe Nocera, Sept. 21, 2012, printed from the *New York*  
19 *Times* website at the following URL:  
20 [http://www.nytimes.com/2012/09/22/opinion/nocera-has-apple-peaked.html?\\_r=1.](http://www.nytimes.com/2012/09/22/opinion/nocera-has-apple-peaked.html?_r=1)
- 21 • "The Patent Used as a Sword" by Charles Duhigg and Steve Lorr, Oct. 7, 2012,  
22 printed from the *New York Times* website at the following URL:  
23 [http://www.nytimes.com/2012/10/08/technology/patent-wars-among-tech-giants-](http://www.nytimes.com/2012/10/08/technology/patent-wars-among-tech-giants-can-stifle-competition.html?pagewanted=all&_r=0)  
24 [can-stifle-competition.html?pagewanted=all&\\_r=0.](http://www.nytimes.com/2012/10/08/technology/patent-wars-among-tech-giants-can-stifle-competition.html?pagewanted=all&_r=0)
- 25 • "The Colbert Report: Tip/Wag – Apple-Samsung Lawsuit & Tabloid Clash," Sept.  
26 18, 2012, available at the following URL: [http://www.colbertnation.com/the-](http://www.colbertnation.com/the-colbert-report-videos/419187/september-18-2012/tip-wag---apple-samsung-lawsuit---tabloid-clash)  
27 [colbert-report-videos/419187/september-18-2012/tip-wag---](http://www.colbertnation.com/the-colbert-report-videos/419187/september-18-2012/tip-wag---apple-samsung-lawsuit---tabloid-clash)  
28 [apple-samsung-](http://www.colbertnation.com/the-colbert-report-videos/419187/september-18-2012/tip-wag---apple-samsung-lawsuit---tabloid-clash)  
[lawsuit---tabloid-clash.](http://www.colbertnation.com/the-colbert-report-videos/419187/september-18-2012/tip-wag---apple-samsung-lawsuit---tabloid-clash)

- 1           • “Apple vs. Samsung: Is Copying Theft or Innovation?” by Kal Raustiala &  
2           Christopher Sprigman, Sept. 4, 2012, printed from the *Los Angeles Times* website  
3           at the following URL: [http://www.latimes.com/news/science/la-oe-  
5           raustialasprigman-apple-innovation-patent-20120904,0,1054165.story](http://www.latimes.com/news/science/la-oe-<br/>4           raustialasprigman-apple-innovation-patent-20120904,0,1054165.story).
- 6           • “Apple’s Courtroom Win Reveals Deeper Woes in U.S. Patents,” Editorial, Sept. 4,  
7           2012, printed from the *Boston Globe* website at the following URL:  
8           [http://bostonglobe.com/opinion/editorials/2012/09/03/apple-victory-over-samsung-  
10           reveals-deeper-woes-patent-system/w3Lg9sU5TMPG6EO44zTd3I/story.html](http://bostonglobe.com/opinion/editorials/2012/09/03/apple-victory-over-samsung-<br/>9           reveals-deeper-woes-patent-system/w3Lg9sU5TMPG6EO44zTd3I/story.html).
- 11          3.       Attached hereto as Exhibit 2 is a true and correct copy of a press release titled  
12          "iPhone 5 First Weekend Sales Top Five Million," Sept. 24, 2012 available from Apple's website  
13          at [http://www.apple.com/pr/library/2012/09/24iPhone-5-First-Weekend-Sales-Top-Five-  
15          Million.html](http://www.apple.com/pr/library/2012/09/24iPhone-5-First-Weekend-Sales-Top-Five-<br/>14          Million.html).
- 16          4.       Attached hereto as Exhibit 3 is a true and correct copy of PX 60.
- 17          5.       Attached hereto as Exhibit 4 is a true and correct copy of DX 592.
- 18          6.       Attached hereto as Exhibit 5 is a true and correct copy of PX 146.
- 19          7.       Attached hereto as Exhibit 6 is a true and correct copy of APLNDC630-  
20          0000149132.
- 21          8.       Attached hereto as Exhibit 7 is a true and correct copy of DX 572.
- 22          9.       Attached hereto as Exhibit 8 is a true and correct copy of excerpts from the Trial  
23          Transcript, dated July 31-August 20, 2012.
- 24          10.       Attached hereto as Exhibit 9 is a true and correct copy of PDX 26.18.
- 25          11.       Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the April  
26          27, 2012 deposition of Russell Winer.
- 27          12.       Attached hereto as Exhibit 11 is a true and correct copy of excerpts from the April  
28          4, 2012 deposition of Steven Sinclair, as referenced in Samsung's Motion and the concurrently  
29          filed Erdem Declaration.

1 13. Attached hereto as Exhibit 12-1 is a true and correct copy of APLNDC-  
2 X0000007220-7335

3 14. Attached hereto as Exhibit 12-2 is a true and correct copy of APLNDC12211082-  
4 1221113.

5 15. Attached hereto as Exhibit 13 is a true and correct copy of APL-ITC796-  
6 0000010019-10040.

7 16. Attached hereto as Exhibit 14 is a true and correct copy of DX 586.

8 17. Attached hereto as Exhibit 15 is a true and correct copy of an article titled "Apple  
9 Sells Over 5 Million iPhone 5, Supply Constraints Loom" by Poonima Gupta and Jennifer Saba,  
10 Sept. 24, 2012 printed from the *Reuters* website at the following URL:

11 <http://www.reuters.com/article/2012/09/24/us-apple-iphone-idUSBRE88N0HL20120924>.

12 18. Attached hereto as Exhibit 16 is a true and correct copy of an article titled  
13 "Foxconn Labor Disputes Disrupt iPhone Output for 2<sup>nd</sup> Time," Oct. 7, 2012 printed from the  
14 *Bloomberg News* website at the following URL: [http://www.bloomberg.com/news/2012-10-](http://www.bloomberg.com/news/2012-10-07/foxconn-labor-disputes-disrupt-iphone-output-for-2nd-time.html)  
15 [07/foxconn-labor-disputes-disrupt-iphone-output-for-2nd-time.html](http://www.bloomberg.com/news/2012-10-07/foxconn-labor-disputes-disrupt-iphone-output-for-2nd-time.html).

16 19. Attached hereto as Exhibit 17 is a true and correct copy of an article titled "Why  
17 There May Be an iPhone 5 Shortage" by Yun-Hee Kim, Oct. 8, 2012 printed from the *Wall Street*  
18 *Journal* website at the following URL: [http://blogs.wsj.com/digits/2012/10/08/why-there-may-be-](http://blogs.wsj.com/digits/2012/10/08/why-there-may-be-an-iphone-5-shortage/)  
19 [an-iphone-5-shortage/](http://blogs.wsj.com/digits/2012/10/08/why-there-may-be-an-iphone-5-shortage/).

20 20. Attached hereto as Exhibit 18 is a true and correct copy of "Median Time to  
21 Disposition in Cases Terminated After Hearing or Submission" printed from the United States  
22 Court of Appeals for the Federal Circuit website at the following URL:  
23 [http://www.ca9c.uscourts.gov/images/stories/the-court/statistics/Median\\_Disposition\\_Time\\_table\\_02-](http://www.ca9c.uscourts.gov/images/stories/the-court/statistics/Median_Disposition_Time_table_02-11.pdf)  
24 [11.pdf](http://www.ca9c.uscourts.gov/images/stories/the-court/statistics/Median_Disposition_Time_table_02-11.pdf).

25 21. Attached hereto as Exhibit 19 is a true and correct copy of PX 25A1.

26 22. Exhibit 20 is intentionally left blank.

27 23. Attached hereto as Exhibit 21 is a true and correct copy of PX 52.

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02198.51855/5011585.6

1           24.     Attached hereto as Exhibit 22 is a true and correct copy of excerpts of the January  
2 4, 2012 deposition of Erin Wong.

3           25.     Attached hereto as Exhibit 23 is a true and correct copy of excerpts of the  
4 December 27, 2011 deposition of Justin White.

5           26.     Attached hereto as Exhibit 24 is a true and correct copy of excerpts of the October  
6 27, 2011 deposition of Eugene Whang.

7           27.     Attached hereto as Exhibit 25 is a true and correct copy of excerpts of the February  
8 17, 2012 deposition of Eugene Whang.

9           28.     Attached hereto as Exhibit 26 is a true and correct copy of excerpts of the  
10 November 4, 2011 deposition of Christopher Stringer.

11          29.     Attached hereto as Exhibit 27 is a true and correct copy of excerpts of the January  
12 19, 2012 deposition of Alyssa K. Sandrowitz.

13          30.     Attached hereto as Exhibit 28 is a true and correct copy of excerpts of the October  
14 20, 2011 deposition of Peter Russell-Clarke.

15          31.     Attached hereto as Exhibit 29 is a true and correct copy of excerpts of the October  
16 24, 2011 deposition of Matthew Rohrbach.

17          32.     Attached hereto as Exhibit 30 is a true and correct copy of excerpts of the October  
18 26, 2011 deposition of Duncan Kerr.

19          33.     Attached hereto as Exhibit 31 is a true and correct copy of excerpts of the July 16,  
20 2012 deposition of Richard Howarth.

21          34.     Attached hereto as Exhibit 32 is a true and correct copy of excerpts of the February  
22 8, 2012 deposition of Richard Howarth.

23          35.     Attached hereto as Exhibit 33 is a true and correct copy of excerpts of the October  
24 31, 2011 deposition of Richard Howarth.

25          36.     Attached hereto as Exhibit 34 is a true and correct copy of excerpts of the October  
26 25, 2011 deposition of Quin Hoellwarth.

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1           37.     Attached hereto as Exhibit 35 is a true and correct copy of excerpts of the January  
2 11, 2012 deposition of Quin Hoellwarth.

3           38.     Attached hereto as Exhibit 36 is a true and correct copy of excerpts of the October  
4 7, 2011 deposition of Tracy-Gene G. Durkin.

5           39.     Attached hereto as Exhibit 37 is a true and correct copy of excerpts of the October  
6 21, 2011 deposition of Daniele De Iuliis.

7           40.     Attached hereto as Exhibit 38 is a true and correct copy of excerpts of the March  
8 23, 2012 deposition of Kurt Dammermann.

9           41.     Attached hereto as Exhibit 39 is a true and correct copy of excerpts of the October  
10 27, 2011 deposition of Daniel Coster.

11          42.     Attached hereto as Exhibit 40 is a true and correct copy of excerpts of the February  
12 7, 2012 deposition of Daniel John Coster.

13          43.     Attached hereto as Exhibit 41 is a true and correct copy of excerpts of the March  
14 29, 2012 deposition of Robert Borchers.

15          44.     Attached hereto as Exhibit 42 is a true and correct copy of excerpts of the October  
16 18, 2011 deposition of Freddy Anzures.

17          45.     Attached hereto as Exhibit 43 is a true and correct copy of excerpts of the October  
18 26, 2011 deposition of Bartley Keith Andre.

19          46.     Attached hereto as Exhibit 44 is a true and correct copy of an article titled "One in  
20 Six Active U.S. Patents Pertain to the Smartphone" by Daniel O'Connor, Oct. 17, 2012 printed  
21 from the *Project Disco* website at the following URL: [http://www.project-disco.org/intellectual-](http://www.project-disco.org/intellectual-property/one-in-six-active-u-s-patents-pertain-to-the-smartphone/)  
22 [property/one-in-six-active-u-s-patents-pertain-to-the-smartphone/](http://www.project-disco.org/intellectual-property/one-in-six-active-u-s-patents-pertain-to-the-smartphone/).

23          47.     Attached hereto as Exhibit 45 is a true and correct copy of a press release titled  
24 "Apple Introduces iPhone 5," which was obtained on October 17, 2012 from Apple's website at  
25 <http://www.apple.com/pr/library/2012/09/12Apple-Introduces-iPhone-5.html>.

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**General Order 45 Attestation**

I, Victoria F. Maroulis, 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 John Pierce has concurred in this filing.

/s/ Victoria Maroulis