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9 Attorneys for Plaintiff and  
Counterclaim-Defendant APPLE INC.

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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION

15 APPLE INC.,  
16 Plaintiff,  
17 v.  
18 SAMSUNG ELECTRONICS CO., LTD., a  
Korean business entity; SAMSUNG  
19 ELECTRONICS AMERICA, INC., a New York  
corporation; SAMSUNG  
20 TELECOMMUNICATIONS AMERICA, LLC, a  
Delaware limited liability company,  
21 Defendants.  
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Case No. 11-cv-01846-LHK

**DECLARATION OF RICHARD  
HUNG IN SUPPORT OF APPLE'S  
MOTION TO COMPEL  
DEPOSITIONS OF SAMSUNG  
DECLARANTS**

1 I, RICHARD HUNG, declare as follows:

2 1. I am a partner at the law firm of Morrison & Foerster LLP, counsel for Apple Inc.  
3 (“Apple”). I am licensed to practice law in the State of California. I have personal knowledge of  
4 the matters stated herein or understand them to be true. I make this declaration in support of  
5 Apple’s Motion to Compel Depositions of Samsung Declarants.

6 2. Dr. Sukumar previously submitted an expert report to rebut the opinions of Dr.  
7 John Hauser on April 16, 2012. Dr. Sukumar was also deposed regarding the contents of his  
8 rebuttal report on April 25, 2012.

9 3. Samsung previously disclosed separate experts, Dr. Sukumar and Mr. Wagner, to  
10 address the same issue addressed in Dr. Erdem’s declaration—namely, the scope and strength of  
11 the evidence that Apple’s utility patents affect consumer demand for smartphones. Both Dr.  
12 Sukumar and Mr. Wagner previously submitted expert reports addressing this issue on April 16,  
13 2012.

14 4. Mr. Lucente previously served an opening expert report on March 22, 2012 and a  
15 rebuttal expert report on April 16, 2012. Both were limited to the D’790, D’305, and D’334  
16 patents. None included the D’677 patent. He was deposed on those opinions on May 9, 2012.  
17 He was included on various witness lists submitted by Samsung, but he was not called at trial.

18 5. Mr. Gray opines in his declaration that an allegedly new version of a Galaxy S II  
19 (T-Mobile) product does not infringe the ’915 or ’163 utility patents. (Dkt. No. 2054-2 ¶¶ 31-45,  
20 50-55.) Apple has not been given the new source code or the new version of the phone. It had no  
21 opportunity to test the positions stated by Mr. Gray during expert discovery in April or May 2012.  
22 The information was also not disclosed prior to Mr. Gray’s July 17, 2012 deposition or in  
23 connection with Mr. Gray’s testimony at trial.

24 6. Attached hereto as **Exhibit 1** is a true and correct copy of an email I sent to Vicki  
25 Maroulis and Rob Becher dated October 22, 2012.

26 7. Attached hereto as **Exhibit 2** is a true and correct copy of an email I received from  
27 Vicki Maroulis on October 23, 2012 in response to my October 22nd email.

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1           8.       Attached hereto as **Exhibit 3** is a true and correct copy of an email I sent to Vicki  
2 Maroulis dated October 23, 2012 in response to her email from the same day.

3           9.       Attached hereto as **Exhibit 4** is a true and correct copy of an email I received from  
4 Vicki Maroulis dated October 23, 2012 in response to my email from the same day.

5           I declare under penalty of perjury that the foregoing is true and correct. Executed this  
6 23rd day of October, 2012 at San Francisco, California.

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/s/ Richard Hung  
Richard Hung

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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 Richard Hung has concurred in this filing.

Dated: October 23, 2012

/s/ Michael A. Jacobs