

# Exhibit A

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**VIA ELECTRONIC MAIL**

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Re: Request for Declaration regarding Apple's Knowledge of Mr. Hogan's Misconduct

Dear Rich:

This correspondence addresses Apple's opposition to Samsung's motion for new trial based on the juror misconduct of Mr. Velvin Hogan, which argues that "Samsung waived these objections because it . . . could have discovered the alleged 'lies' [of Mr. Hogan] before the verdict." Dkt. 2050 at 1.

As you know, at Apple's request, Samsung provided two declarations—on October 4, 2012 (Dkt. 2022) and October 1, 2012 (Dkt. 2022-1)—describing when and how Samsung learned of Mr. Hogan's misrepresentations during voir dire. Apple cited the October 4 declaration in its opposition. Dkt. 2050 at 2. Because Samsung's declarations establish without doubt that Samsung had no knowledge of those misrepresentations during the relevant time period, Apple now argues that Samsung had constructive knowledge because it allegedly "could have discovered the Seagate complaint" before the verdict. Dkt. 2050 at 2.

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Apple thus has put at issue what Samsung allegedly should have discovered regarding Mr. Hogan. Samsung requests a declaration from Apple that addresses the same topics, in the same level of detail, covered by Samsung's October 4 declaration, including specifically when and how Apple learned that Mr. Hogan had been an adverse party to Seagate in litigation. Obviously, when and how Apple learned of those facts is probative of Apple's claim that Samsung should have known.

We ask that Apple provide the declaration by no later than 5 p.m. Pacific on Friday. If Apple refuses to provide such a declaration, Samsung will move to compel on a shortened schedule. Given the approaching deadline for Samsung to file its reply, please let us know by 5 p.m. Pacific tomorrow whether Apple will provide the requested declaration.

I look forward to your response.

Very truly yours,

/s/ Victoria F. Maroulis

Victoria F. Maroulis

VFM