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9 Attorneys for Plaintiff and
10 Counterclaim-Defendant APPLE INC.

11
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
19 Korean business entity; SAMSUNG
20 ELECTRONICS AMERICA, INC., a New York
21 corporation; SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC, a
Delaware limited liability company,

22 Defendants.

Case No. 11-cv-01846-LHK (PSG)

**DECLARATION OF RICHARD S.J.
HUNG IN SUPPORT OF APPLE'S
MOTION FOR PERMANENT
INJUNCTION AND DAMAGES
ENHANCEMENT; AND
JUDGMENT AS A MATTER OF
LAW (RENEWED), NEW TRIAL,
AND AMENDED JUDGMENT
[FRCP 50, 59]**

1 I, RICHARD S.J. HUNG, declare as follows:

2 1. I am a partner in the law firm of Morrison & Foerster LLP, counsel for Apple Inc.
3 (“Apple”). I am licensed to practice law in the State of California. Unless otherwise indicated, I
4 have personal knowledge of the matters stated herein and, if called as a witness, could and would
5 testify competently thereto. I make this declaration in support of Apple’s Reply Brief In Support
6 of Apple’s Motion for a Permanent Injunction and Damages Enhancement.

7 **GALAXY S II i9100**

8 2. Attached as **Exhibit 1** is a true and correct copy of an advertisement listed on
9 BestBuy’s website for the Galaxy S II i9100, available at [http://www.bestbuy.com/site/Samsung--
10 -i9100-Galaxy-S-II-Mobile-Phone-\(Unlocked\)---
11 Black/3140371.p?id=1218379766759&skuId=3140371](http://www.bestbuy.com/site/Samsung--i9100-Galaxy-S-II-Mobile-Phone-(Unlocked)---Black/3140371.p?id=1218379766759&skuId=3140371) (last visited Oct. 31, 2012).

12 3. Attached as **Exhibit 2** is a true and correct copy of an advertisement listed on the
13 Wal-Mart’s website for the Galaxy S II i9100, available at [http://www.walmart.com/ip/Samsung-
14 Galaxy-S2-I9100-GSM-Android-Cell-Phone-Black-Unlocked/19237589](http://www.walmart.com/ip/Samsung-Galaxy-S2-I9100-GSM-Android-Cell-Phone-Black-Unlocked/19237589) (last visited Oct. 31,
15 2012).

16 4. Attached as **Exhibit 3** is a true and correct copy of an advertisement listed on
17 Amazon.com’s website for the Galaxy S II i9100, available at [http://www.amazon.com/Samsung-
18 i9100-Unlocked-Smartphone-Touchscreen/dp/B004QTBO2C](http://www.amazon.com/Samsung-i9100-Unlocked-Smartphone-Touchscreen/dp/B004QTBO2C) (last visited Oct. 31, 2012).

19 5. Attached as **Exhibit 4** is a true and correct copy of a receipt for a Galaxy S II i9100
20 phone purchased from Amazon.com on March 6, 2012 by Mr. Edward Sittler, a paralegal at
21 Morrison & Foerster LLP, bearing a production number of APLNDC-Y0000408233.

22 **GALAXY ACE**

23 6. Attached as **Exhibit 5** is a true and correct copy of an advertisement listed on
24 BestBuy’s website for the Galaxy Ace, available at [http://www.bestbuy.com/site/Samsung---
25 Galaxy-Ace-Mobile-Phone-\(Unlocked\)---Black/3600111.p?id=1218419333247&skuId=3600111](http://www.bestbuy.com/site/Samsung---Galaxy-Ace-Mobile-Phone-(Unlocked)---Black/3600111.p?id=1218419333247&skuId=3600111)
26 (last visited Oct. 31, 2012).

27 7. Attached as **Exhibit 6** is a true and correct copy of an advertisement listed on the
28 Wal-Mart’s website for the Galaxy Ace, available at <http://www.walmart.com/ip/Samsung->

1 [Galaxy-Ace-S5830-Android-GSM-Cell-Phone-Black-Unlocked/19237590](#) (last visited Oct. 31,
2 2012).

3 8. Attached as **Exhibit 7** is a true and correct copy of an advertisement listed on
4 Amazon.com's website for the Galaxy Ace, available at [http://www.amazon.com/Samsung-](http://www.amazon.com/Samsung-S5830-Galaxy-Ace-Unlocked/dp/B004XIE6WI)
5 [S5830-Galaxy-Ace-Unlocked/dp/B004XIE6WI](#) (last visited Oct. 31, 2012).

6 9. Attached as **Exhibit 8** is a true and correct copy of a receipt for a Galaxy Ace phone
7 purchased from Amazon.com on July 20, 2011 by Ms. Kalliope White, a paralegal at Morrison &
8 Foerster LLP, bearing a production number of APLNDC-Y0000408236.

9 **EVIDENCE OF CAUSAL NEXUS**

10 10. Attached as **Exhibit 9** is a true and correct copy of relevant excerpts of a translation
11 of Samsung's "Phase 2 Design Strategy," produced by Samsung in this action Bates stamped
12 SAMNDCA00202336-341, 358, 363, 377-380.

13 11. Attached as **Exhibit 10** is a true and correct copy of relevant excerpts of Samsung's
14 April 2010 "Users Mobiles America Study," produced by Samsung in this action as
15 SAMNDCA00221819, 828, 852, 863.

16 12. Attached as **Exhibit 11** is a true and correct copy of relevant excerpts of a December
17 2009 McKinsey report to Samsung called "Winning in Smartphones – It's Now or Never,"
18 produced by Samsung in this action as SAMNDCA10807316-320, 322, 324, 326, 330-333, 358-
19 359, 361. A portion of these excerpts was previously submitted as Musika Decl. Ex. 68 (Dkt. No.
20 1982-70).

21 13. Attached as **Exhibit 12** is a true and correct copy of relevant excerpts of a translation
22 of Samsung's "Design Preference Study" from early 2011, produced by Samsung in this action as
23 SAMNDCA001716172-179, 192-196.

24 14. Attached as **Exhibit 13** is a true and correct copy of relevant excerpts of Exhibit 2439
25 to the March 8, 2012 Deposition of Sang Hung, produced by Samsung in this action as
26 SAMNDCA00250864-866.

27 15. Attached as **Exhibit 14** is a true and correct copy of relevant excerpts of the March 8,
28 2012 Deposition of Sang Hung, which discuss Exhibit 2439 to this deposition.

1 **RECENT DEPOSITIONS**

2 16. Attached as **Exhibit 15** is a true and correct copy of relevant excerpts from the
3 deposition of Tülin Erdem, taken on November 7, 2012.

4 17. Attached as **Exhibit 16** is a true and correct copy of relevant excerpts from the
5 deposition of Yoram (Jerry) Wind, taken on November 7, 2012.

6 18. Attached as **Exhibit 17** is a true and correct copy of relevant excerpts from the
7 deposition of Stephen Gray, taken on November 6, 2012.

8 19. Attached as **Exhibit 18** is a true and correct copy of relevant excerpts from the
9 deposition of Sam Lucente, taken on November 6, 2013.

10 20. Attached as **Exhibit 19** is a true and correct copy of relevant excerpts from the
11 deposition of Phil Schiller, taken on November 2, 2012.

12 **CORRESPONDENCE**

13 21. Attached as **Exhibit 20** is a true and correct copy of an email string dated October 31,
14 2012 between myself and Victoria Maroulis, counsel for Samsung.

15 22. Attached as **Exhibit 21** is a true and correct copy of an email string dated November
16 5, 2012 between Anthony Alden, counsel for Samsung, and myself.

17 23. Attached as **Exhibit 22** is a true and correct copy of a letter dated November 7, 2012
18 from Anthony Alden, counsel for Samsung, to me.

19 **SOURCE CODE**

20 24. Attached as **Exhibit 23** is a true and correct copy of excerpts from Samsung source
21 code Bates stamped SAMNDCA-C000009577-SAMNDCA-C000009579, SAMNDCA-
22 C000009593, and SAMNDCA-C000009629-SAMDNCA-C000009631. I understand that
23 Samsung represents that this code is from Samsung Android version 4.04, Baseband Version
24 T989UVL11, Kernel version 3.0.8, and Build number IMM76D.UVL11.

25 I declare under penalty of perjury that the foregoing is true and correct. Executed on
26 November 9, 2012 at San Francisco, California.

27 /s/ Richard S.J. Hung
28 RICHARD S.J. 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 S.J. Hung has concurred in this filing.

Dated: November 9, 2012

/s/ Michael A. Jacobs