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13 Attorneys for SAMSUNG ELECTRONICS CO.,
LTD., SAMSUNG ELECTRONICS AMERICA,
14 INC. and SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC
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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION
18

19 APPLE INC., a California corporation,

20 Plaintiff,

21 vs.

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

25 Defendant.
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CASE NO. 11-cv-01846-LHK

DECLARATION OF ALBERT P. BEDECARRÉ IN SUPPORT OF SAMSUNG'S ADMINISTRATIVE MOTION FOR LEAVE TO FILE: (A) DECLARATION OF ALBERT P. BEDECARRÉ IN SUPPORT OF SAMSUNG'S OPPOSITION TO APPLE'S MOTION FOR A PERMANENT INJUNCTION AND DAMAGES ENHANCEMENT AND SAMSUNG'S OPPOSITION TO APPLE'S MOTION FOR JUDGMENT AS A MATTER OF LAW, NEW TRIAL AND AMENDED JUDGMENT; AND (B) MANUAL FILING NOTIFICATION FOR EXHIBITS 1 AND 2 TO DECLARATION OF ALBERT P. BEDECARRÉ

1 Galaxy S II Epic 4G Touch (SPH-D710). Samsung made available the same grey versions of
2 these two phones that Mr. Lucente had inspected and referenced in his declaration because these
3 were still the only ones counsel for Samsung had available.

4 5. Apple's counsel inspected these devices on two occasions. The first inspection took
5 place on October 26, 2012. The second inspection took place on October 30, 2012. On the
6 second occasion, a staff member from Morrison & Foerster inspected the devices and two
7 photographers took photos of the two devices for approximately three hours.

8 6. Apple set the deposition of Mr. Lucente for November 6, 2012. Counsel for
9 Samsung diligently attempted to acquire production models of the grey version of the Galaxy S II
10 Epic 4G Touch (SPH-D710) from Samsung prior to the Lucente deposition, and they were
11 expected to arrive in time. Due to an error by the shipping company, the shipment was delayed
12 and did not arrive by November 6 when the deposition took place.

13 7. Therefore, Samsung brought the same physical devices that Mr. Lucente reviewed
14 a production model of the grey version of the Galaxy S II (T-Mobile) (SGH-T989) and a mockup
15 of the grey version of the Galaxy S II Epic 4G Touch (SPH-D710) – to Mr. Lucente's November
16 6, 2012 deposition. The two devices were marked as Exhibits 1 and 2 to the deposition. Apple
17 introduced pictures of the grey versions of the two phones as exhibits. The parties stipulated that
18 counsel for Samsung would maintain possession of the physical exhibits and would allow access
19 to Apple on reasonable notice. This arrangement followed the parties' consistent practice with
20 regard to physical exhibits throughout the course of this litigation. Apple has not requested access
21 to these devices since the deposition.

22 8. After Mr. Lucente's November 6 deposition, I received production models of the
23 grey version of the Galaxy S II Epic 4G Touch (SPH-D710) from Samsung. The day of the
24 deposition, I had received additional production models of the grey version of the Galaxy S II (T-
25 Mobile) (SGH-T989) from Samsung, so this was the first time counsel for Samsung had both
26 devices available to file and serve.

27 9. On Friday November 9, 2012, my colleague Robert Becher contacted counsel for
28 Apple via email and asked Apple to stipulate that Samsung could file an attorney declaration

1 attaching a production model of the grey version of the Galaxy S II (T Mobile) (SGH-T989) and a
2 production model of the grey version of the Galaxy S II Epic 4G Touch (SPH-D710). Apple
3 responded on Monday November 12, 2012, and stated that it would not agree to filing of the
4 declaration and phone samples, claiming that the “record is closed” on Apple’s motion for
5 permanent injunction and enhancement of damages. Attached hereto as **Exhibit 1** is a true and
6 correct copy of the email exchange with counsel for Apple.

7 10. On Tuesday November 13, 2012, Samsung served Apple’s counsel via courier with
8 identical production copies of the grey version of the Galaxy S II Epic 4G Touch (SPH-D710) and
9 the grey version of the Galaxy S II (T-Mobile) (SGH-T989). I offered to provide the phones to
10 counsel for Apple on the evening of November 12, 2012, but Apple's counsel told me that delivery
11 on the morning of November 13, 2012 was satisfactory and more convenient for practical reasons.

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

14 Executed in San Francisco, California on November 13, 2012.

15 */s/ Albert P. Bedecarré*

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17 Albert P. Bedecarré
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GENERAL ORDER 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 Albert P. Bedecarré has concurred in this filing.

/s/ Victoria Maroulis