1 2 3 4	QUINN EMANUEL URQUHART & SULLIVA Charles K. Verhoeven (Bar No. 170151) charlesverhoeven@quinnemanuel.com 50 California Street, 22 <sup>nd</sup> Floor San Francisco, California 94111 Telephone: (415) 875-6600 Facsimile: (415) 875-6700	N, LLP
5 6 7 8 9 10 11	Kevin P.B. Johnson (Bar No. 177129) kevinjohnson@quinnemanuel.com Victoria F. Maroulis (Bar No. 202603) victoriamaroulis@quinnemanuel.com 555 Twin Dolphin Drive, 5 <sup>th</sup> Floor Redwood Shores, California 94065-2139 Telephone: (650) 801-5000 Facsimile: (650) 801-5100  Michael T. Zeller (Bar No. 196417) michaelzeller@quinnemanuel.com 865 S. Figueroa St., 10th Floor Los Angeles, California 90017 Telephone: (213) 443-3000 Facsimile: (213) 443-3100	
13 14 15	Attorneys for SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS AMERICA INC. and SAMSUNG TELECOMMUNICATIONS AMERICA, LLC	,
6	UNITED STATES	DISTRICT COURT
7	NORTHERN DISTRICT OF CAI	LIFORNIA, SAN JOSE DIVISION
8		
9	APPLE INC., a California corporation,	CASE NO. 11-cv-01846-LHK
20	Plaintiff,	DECLARATION OF ALBERT P. BEDECARRÉ IN SUPPORT OF
21	VS.	SAMSUNG'S ADMINISTRATIVE
22   23	SAMSUNG ELECTRONICS CO., LTD., a Korean business entity; SAMSUNG ELECTRONICS AMERICA, INC., a New	MOTION FOR LEAVE TO FILE: (A) DECLARATION OF ALBERT P. BEDECARRÉ IN SUPPORT OF SAMSUNG'S OPPOSITION TO APPLE'S
24	York corporation; SAMSUNG TELECOMMUNICATIONS AMERICA,	MOTION FOR A PERMANENT INJUNCTION AND DAMAGES
25	LLC, a Delaware limited liability company,	ENHANCEMENT AND SAMSUNG'S OPPOSITION TO APPLE'S MOTION
	Defendant.	FOR JUDGMENT AS A MATTER OF
26		LAW, NEW TRIAL AND AMENDED JUDGMENT; AND (B) MANUAL FILING
27		NOTIFICATION FOR EXHIBITS 1 AND 2 TO DECLARATION OF ALBERT P.
28		BEDECARRÉ

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Case No. 11-cv-01846-LHK

I, Albert P. Bedecarré, declare as follows:

I could and would testify competently thereto.

DECLARATION OF ALBERT P. BEDECARRÉ

Urquhart & Sullivan LLP, counsel for Samsung Electronics Co., Ltd., Samsung Electronics

America, Inc., and Samsung Telecommunications America, LLC (collectively "Samsung").

I make this declaration of personal, firsthand knowledge, and if called and sworn as a witness,

Enhancement (Dkt. No. 2054) and the Declaration of Sam Lucente in Support of Samsung's

new front face with a metallic light grey mask. Mr. Lucente stated in his declaration that he

that Mr. Lucente reviewed were a production model of the grey version of the Galaxy S II (T-

the Galaxy S II Epic 4G Touch (SPH-D710) were not yet available to counsel for Samsung.

Opposition (Dkt. No. 2057) discussed Samsung's manufacturing of design-around versions of the

Galaxy S II (T-Mobile) (SGH-T989) and Galaxy S II Epic 4G Touch (SPH-D710) that contained a

analyzed samples of these two phones, and rendered opinions based on that analysis. The phones

Mobile) (SGH-T989), and a mockup of the grey version of the Galaxy S II Epic 4G Touch (SPH-

D710), made up of production components and the new grey mask because production samples of

possession at the time because commercial production had not yet begun and additional samples

were not yet available. Instead of filing the only available devices, counsel for Samsung retained

them in order to make them available for inspection by Apple. In addition, counsel for Samsung

anticipated that production samples of the grey version of the Galaxy S II Epic 4G Touch (SPH-

T989) would be available before the December 6, 2012 hearing and planned to provide these

D710) and additional production samples of the grey version of the Galaxy S II (T-Mobile) (SGH-

These were the only two samples of the grey design around phones in counsel's

I am a member of the bar of the State of California and a partner at Quinn Emanuel

Samsung's Opposition to Apple's Motion for a Permanent Injunction and Damages

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the opportunity to inspect the grey versions of the Galaxy S II (T-Mobile) (SGH-T989) and the

Injunction and Damages Enhancement and the supporting Lucente Declaration, Apple requested

devices to the Court and Apple as soon as they were available.

After Samsung submitted its Opposition to Apple's Motion for a Permanent

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

- 5. Apple's counsel inspected these devices on two occasions. The first inspection took place on October 26, 2012. The second inspection took place on October 30, 2012. On the second occasion, a staff member from Morrison & Foerster inspected the devices and two photographers took photos of the two devices for approximately three hours.
- 6. Apple set the deposition of Mr. Lucente for November 6, 2012. Counsel for Samsung diligently attempted to acquire production models of the grey version of the Galaxy S II Epic 4G Touch (SPH-D710) from Samsung prior to the Lucente deposition, and they were expected to arrive in time. Due to an error by the shipping company, the shipment was delayed and did not arrive by November 6 when the deposition took place.
- 7. Therefore, Samsung brought the same physical devices that Mr. Lucente reviewed a production model of the grey version of the Galaxy S II (T-Mobile) (SGH-T989) and a mockup of the grey version of the Galaxy S II Epic 4G Touch (SPH-D710) to Mr. Lucente's November 6, 2012 deposition. The two devices were marked as Exhibits 1 and 2 to the deposition. Apple introduced pictures of the grey versions of the two phones as exhibits. The parties stipulated that counsel for Samsung would maintain possession of the physical exhibits and would allow access to Apple on reasonable notice. This arrangement followed the parties' consistent practice with regard to physical exhibits throughout the course of this litigation. Apple has not requested access to these devices since the deposition.
- 8. After Mr. Lucente's November 6 deposition, I received production models of the grey version of the Galaxy S II Epic 4G Touch (SPH-D710) from Samsung. The day of the deposition, I had received additional production models of the grey version of the Galaxy S II (T-Mobile) (SGH-T989) from Samsung, so this was the first time counsel for Samsung had both devices available to file and serve.
- 9. On Friday November 9, 2012, my colleague Robert Becher contacted counsel for Apple via email and asked Apple to stipulate that Samsung could file an attorney declaration

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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 <b>Exhibit 1</b> 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 deliver	
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.	
Executed in San Francisco, California on November 13, 2012.		
	/s/ Albert P. Bedecarré	
15 16	/s/ Albert P. Bedecarré  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