

# Exhibit A

Exhibit 4  
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November 7, 2012

**VIA ELECTRONIC MAIL**

Richard Hung  
Morrison & Foerster  
425 Market Street  
San Francisco, CA 94105-2482

Re: Apple v. Samsung, Case No. 11-CV-1846-(N.D. Cal.)

Dear Rich,

As part of its motion for judgment as a matter of law (renewed), new trial, and amended judgment, Apple sought supplemental damages with respect to eight Samsung products. Dkt. No. 1989 at 28:17-21; Dkt. No. 1982-71 at 3:3-28, 4:20-5:5. Apple did not request data from Samsung prior to filing its motion concerning post-June 30, 2012 sales of these eight products or any other products. Instead, Apple chose to rely on assumptions and projections.

Samsung responded to Apple's motion as Apple chose to frame it – pertaining to only eight products. Samsung showed that it does not, and will not, continue to sell all eight products at issue and that Apple's third quarter projections with respect to the eight products overstate actual sales. Dkt. No. 2060 at 2:25-3:21, 4:22-5:9. Apple's new expert, Marylee Robinson, admitted this at her recent deposition. 11/5/12 Depo. Tr. of Marylee Robinson at 99:5-12 ("I accept for the three months at which Mr. Kerstetter provided sales for those specific products that his -- the numbers he has presented are different than the numbers I projected for those three months."). For this reason, among others, Samsung's position is that Apple's request is premature and that any supplemental damages should be determined after the parties have final outcomes regarding

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liability and damages, the supplemental damages period is known, and the volume of additional sales is known. Again, even Apple's own damages expert agrees with Samsung's position. *Id.* at 119:13-22 ("Q. Do you have any reason to doubt that representation [concerning Samsung's 3Q 2012 sales]? A. I don't have any reason to doubt it. I would like to verify the sales records -- I would like to verify that representation through the sales records of Samsung. Q. And to do so, it would be necessary to get those sales records through December 31st, 2012; correct? A. Yes.").

Only after Samsung filed its opposition to Apple's motion, did Apple demand for the first time that Samsung produce sales data not just for the eight products at issue, but for any products the jury found infringed or diluted. (In fact, Mr. Kerstetter's declaration in support of Samsung's opposition makes clear that Samsung has sold only one such additional product: the Galaxy Tab 7.0 (3G) (Dkt. No. 2060 at 2:25-3:21)). Because Apple's motion was specifically limited to eight products, and Samsung had already filed its opposition, Samsung declined Apple's request on the basis that Apple's eleventh hour attempt to broaden its motion beyond the eight products at issue is patently unfair and improper.

Nonetheless, it became apparent from Ms. Robinson's deposition two days ago, that Apple intends to improperly argue on reply that Samsung is withholding data and that this data would somehow help Apple. Accordingly, to disabuse Apple of any such false notion, we hereby enclose 3Q 2012 sales data for the only additional product the jury found infringed or diluted that was sold by Samsung after June 30, 2012: the Galaxy Tab 7.0 (3G).

We trust that this additional disclosure now puts the issue to rest. However, should Apple continue to falsely suggest on reply that Samsung is withholding information, we request that this letter be attached to Apple's reply papers so that the Court has a full and accurate picture.

Very truly yours,



Anthony P. Alden

Encl.

Product	Model Number	3Q Unit Sales	July 2012 Unit Sales	August 2012 Unit Sales	September 2012 Unit Sales
Galaxy Tab 7.0 (3G)	SCH-i800				