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15 Attorneys for SAMSUNG ELECTRONICS
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16 AMERICA, INC. and SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC
17

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

20 APPLE INC., a California corporation,

21 Plaintiff,

22 vs.

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

26 Defendants.
27

CASE NO. 12-CV-00630-LHK (PSG)

**DECLARATION OF MICHAEL L. FAZIO
IN SUPPORT OF SAMSUNG'S
OPPOSITION TO APPLE INC.'S
MOTION FOR LEAVE TO AMEND ITS
DISCLOSURE OF ASSERTED CLAIMS
& INFRINGEMENT CONTENTIONS**

Date: November 6, 2012
Time: 10:00 a.m.
Place: Courtroom 5
Judge: Honorable Paul S. Grewal

1 the charts to the FTP.” Attached hereto as **Exhibit B** is a true and correct copy of an email from
2 Angela Wilkins, received June 19, 2012, which informed Samsung of these errors.

3 4. On August 7, 2012, I received a letter from Apple detailing additional errors with
4 the infringement contentions that Apple had uploaded to its FTP site on June 15. According to
5 this letter, Apple had “inadvertently left off [the] ftp site during delivery” “Exhibits 87, 141 and
6 142.” However, Apple had included an Exhibit 87 on its FTP. Original Exhibit 87 was a ’959
7 patent claim chart against the Galaxy Tab 8.9. Attached hereto as **Exhibit C** is a true and correct
8 copy of the letter from Apple’s counsel, Emily L. Fedman, without enclosures, addressed to
9 Patrick Shields, received August 7, 2012.

10 5. On October 1, 2012, Apple notified Samsung via email that it had placed proposed
11 amended infringement contentions on its FTP site. Attached hereto as **Exhibit D** is a true and
12 correct copy of this email from Apple’s counsel, Jennifer Rho, received October 1, 2012. The
13 proposed amended contentions included, for the first time, claim charts for the ’604 patent against
14 the Conquer 4G, Dart, and Exhibit II 4G.

15 6. Attached hereto as **Exhibit E** is a true and correct copy of an article by PR
16 Newswire titled “Samsung GALAXY Note 10.1 Has Arrived: Game-Changing Device Hits U.S.
17 Store Shelves Tomorrow” dated August 15, 2012, and downloaded from
18 [http://www.prnewswire.com/news-releases/samsung-galaxy-note-101-has-arrived-](http://www.prnewswire.com/news-releases/samsung-galaxy-note-101-has-arrived-166257736.html)
19 [166257736.html](http://www.prnewswire.com/news-releases/samsung-galaxy-note-101-has-arrived-166257736.html) on October 16, 2012.

20 7. Attached hereto as **Exhibit F** is a true and correct copy of a Samsung
21 Telecommunications America press release titled “SAMSUNG Mobile Unveils Premium
22 Accessory Suite for Galaxy Tab™ 10.1,” dated June 21, 2011, and downloaded from
23 http://www.samsung.com/us/news/newsRead.do?news_seq=19881&gltype on October 16, 2012.

24 8. Attached hereto as **Exhibit G** is a true and correct copy of reviews of the Galaxy
25 Tab™ Conductive Stylus titled “Reviews & Ratings – Galaxy Tab Accessories ET-S100CBEG”
26 with one review dated March 1, 2011, downloaded from
27 <http://www.samsung.com/us/mobile/galaxy-tab-accessories/ET-S100CBEGSTA-reviews> on
28 October 16, 2012.

