	Case5:12-cv-00630-LHK Document286	-1 Filed10/22/12 Page1 of 3
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 1	QUINN EMANUEL URQUHART & SULLIVAN, LLP Charles K. Verhoeven (Bar No. 170151) charlesverhoeven@quinnemanuel.com Kevin A. Smith (Bar No. 250814) kevinsmith@quinnemanuel.com 50 California Street, 22nd Floor San Francisco, California 94111 Telephone: (415) 875-6600 Facsimile: (415) 875-6600 Facsimile: (415) 875-6700 Kevin P.B. Johnson (Bar No. 177129 (CA); 2542082 (NY)) kevinjohnson@quinnemanuel.com Victoria F. Maroulis (Bar No. 202603) victoriamaroulis@quinnemanuel.com 555 Twin Dolphin Drive, 5th Floor Redwood Shores, California 94065 Telephone: (650) 801-5100 William C. Price (Bar No. 108542) williamprice@quinnemanuel.com Michael L. Fazio (Bar No. 228601) michaelfazio@quinnemanuel.com 865 South Figueroa Street, 10th Floor Los Angeles, California 90017-2543 Telephone: (213) 443-3100 Attorneys for SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS AMERICA, INC. and SAMSUNG TELECOMMUNICATIONS AMERICA, LLC	STEPTOE & JOHNSON, LLP John Caracappa (pro hac vice) jcaracappa@steptoe.com 1330 Connecticut Avenue, NW Washington, D.C. 20036 Telephone: (202) 429-6267 Facsimile: (202) 429-3902
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19		DISTRICT COURT
20		LIFORNIA, SAN JOSE DIVISION
21	APPLE INC., a California corporation,	CASE NO. 12-CV-00630-LHK (PSG)
22	Plaintiff,	DECLARATION OF MICHAEL L. FAZIO IN SUPPORT OF SAMSUNG'S REPLY IN
23	VS.	SUPPORT OF ITS MOTION FOR LEAVE TO SUPPLEMENT ITS INFRINGEMENT
24	SAMSUNG ELECTRONICS CO., LTD., a Korean corporation; SAMSUNG	CONTENTIONS
25 26	ELECTRONICS AMERICA, INC., a New York corporation; SAMSUNG TELECOMMUNICATIONS AMERICA,	Date: November 6, 2012 Time: 10:00 a.m. Place: Courtroom 5
27	LLC, a Delaware limited liability company, Defendants.	Judge: Honorable Paul S. Grewal
28		Case No. 12-CV-00630-LHK (PSG)
	MOT. FOR LEAVE T	FAZIO DECL. ISO SAMSUNG'S REPLY ISO ITS O SUPPLEMENT ITS INFRINGEMENT CONTENTIONS

1	DECLARATION OF MICHAEL L. FAZIO		
2	I, Michael L. Fazio, declare as follows:		
3	1. I am a member of the bar of the State of California, admitted to practice before this		
4	Court, and a partner with Quinn Emanuel Urquhart & Sullivan, LLP, attorneys for defendants		
5	Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung		
6	Telecommunications America, LLC (collectively, "Samsung") in this action. I make this		
7	declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and		
8	would testify as set forth below.		
9	2. Attached hereto as Exhibit A is a true and correct copy of a website on the Android		
10	Open Source Project titled "Philosophy and Goals", downloaded from		
11	http://source.android.com/about/philosophy.html on October 18, 2012.		
12	3. Attached hereto as Exhibit B is a true and correct copy of an entry on the Google		
13	Groups message board titled "4.1.2 in AOSP" dated October 9, 2012, and downloaded from		
14	https://groups.google.com/forum/#!msg/android-building/2rkEoKMnhzU/3s-GgaU_NT0J on		
15	October 18, 2012.		
16	4. Samsung filed its Motion For Leave To Supplement Its Infringement Contentions		
17	on October 1, 2012. Four days later, on October 5, 2012, Apple filed its Motion For Leave To		
18	Amend Its Disclosure Of Asserted Claims & Infringement Contentions. On October 15, 2012,		
19	Samsung proposed that "Samsung will agree that we will not oppose Apple's addition of the Note		
20	10.1 if Apple does not oppose our addition of the iPhone 5." Samsung's proposed agreement		
21	explicitly excluded "the operating systems (jelly bean and ios6)." Attached hereto as Exhibit C		
22	is a true and correct copy of the email sent by my colleague, Patrick Shields, to Apple's counsel,		
23	dated October 15, 2012, which reduced this proposal to writing.		
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	-1- Case No. 12-CV-00630-LHK (PSG) FAZIO DECL. ISO SAMSUNG'S REPLY ISO ITS		
	MOT. FOR LEAVE TO SUPPLEMENT ITS INFRINGEMENT CONTENTIONS		

	Case5:12-cv-00630-LHK Document286-1 Filed10/22/12 Page3 of 3
1	I declare under penalty of perjury under the laws of the United States of America that the
2	foregoing is true and correct.
3	Executed on October 22, 2012.
4	
5	/s/ Michael L. Fazio
6	Michael L. Fazio
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28	-2- Case No. 12-CV-00630-LHK (PSG)
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