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*Attorneys for Plaintiff and  
Counterclaim-Defendant Apple Inc.*

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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION

15 APPLE INC., a California corporation,  
16 Plaintiff,

17 v.

18 SAMSUNG ELECTRONICS CO., LTD., a  
Korean corporation; SAMSUNG ELECTRONICS  
19 AMERICA, INC., a New York corporation; and  
SAMSUNG TELECOMMUNICATIONS  
20 AMERICA, LLC, a Delaware limited liability  
company,

21 Defendants.

Case No. 11-cv-01846-LHK (PSG)

**JOINT STIPULATION AND  
[PROPOSED] ORDER  
REGARDING SAMSUNG'S  
PRODUCTION OF DOCUMENTS  
AND WITHDRAWING APPLE'S  
MOTION TO COMPEL**

1 WHEREAS, on March 15, 2012, Apple Inc. ("Apple") filed a Motion to Compel Samsung  
 2 Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications  
 3 America, LLC (collectively "Samsung," and together with Apple, "the Parties" and individually  
 4 each a "Party") to produce (i) documents relating to positions Samsung has taken in other  
 5 litigations regarding the licensing of patents and other intellectual property rights ("IPR") claimed  
 6 to be essential to the UMTS standard, the determination of a fair, reasonable and non-  
 7 discriminatory ("FRAND") royalty, and the propriety of injunctive relief for the infringement of  
 8 IPR claimed to be essential to the UMTS standard; and (ii) documents concerning Samsung's  
 9 plans for the development, marketing or licensing of IPR that is claimed to be essential to the  
 10 UMTS standard, including presentations to executive management and the Board of Directors.

11 WHEREAS, on March 29, 2012, Samsung filed an Opposition to Apple's Motion to  
 12 Compel;

13 WHEREAS, pursuant to Court Order, the filing date for the reply in support of Apple's  
 14 Motion to Compel is April 10, 2012;

15 WHEREAS, the Parties have met and conferred and agreed to the joint stipulation below  
 16 that would resolve this discovery dispute without the Court's intervention;

17 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties as  
 18 follows:

19 1. Samsung agrees to produce on a rolling basis, its non-privileged documents, if any,  
 20 that it is able to locate after conducting a reasonable search, responsive to the following  
 21 categories of documents for litigation in the US and foreign jurisdictions, excluding any  
 22 responsive discovery motions, filings by third parties, and documents prepared by non-testifying  
 23 experts:

24 Documents and/or responsive portions thereof, including briefing not  
 25 publicly available on Pacer, responsive excerpts of deposition or other  
 26 testimony of Samsung's current or former employees or its testifying  
 27 experts, and reports and/or responsive portions thereof prepared by  
 28 Samsung's testifying experts, relating to or containing any claims or  
 statements by Samsung in any litigation or judicial proceeding, regarding  
 the determination of a FRAND royalty rate for any IPR that is claimed  
 Essential to the UMTS Standard, and the propriety of injunctive relief for  
 the infringement of IPR claimed to be Essential to the UMTS Standard.

For the avoidance of doubt, Samsung agrees to conduct a reasonable search for documents from at least the following litigations, and will produce its non-privileged responsive documents (or portions thereof), to the extent they exist: (1) *In re Certain 3G WCDMA Handsets* (*InterDigital v. Samsung*), No. 337-TA-601 (I.T.C.); (2) *Samsung v. InterDigital*, No. 07-0167 (D. Del.); (3) *Ericsson v. Samsung*, No. 06-0063 (E.D. Tex.); and (4) *Telefonaktiebolaget LM Ericsson v. Samsung Electronics UK Ltd.*, HC06 C00618. Of course, Samsung reserves the right to make redactions as appropriate where documents contain non-responsive information or statements, and to protect information about unannounced products.

2. Samsung agrees to produce the documents referenced in paragraph 1, above, on a rolling basis. Samsung agrees to use its best efforts to substantially complete production of documents not containing third party confidential information by April 16, 2012. Any non-privileged responsive documents that are not in English, however, may take longer to review and produce, and Samsung agrees to produce such documents on a rolling basis to be substantially completed by April 24, 2012. To the extent any documents referenced in paragraph 1 are subject to a protective order or other provision precluding their disclosure to Apple, Samsung will use its best efforts to obtain any necessary third party consent to redact any third party confidential information and produce those documents in redacted form in the first instance by April 16, 2012. To the extent that there are any documents referenced in paragraph 1 that Samsung is unable to produce to Apple by April 16, Samsung agrees to meet and confer with Apple on April 18, 2012 at 2:00 p.m. Pacific concerning which documents have not been produced and the reasons therefor. For those responsive documents that were redacted to protect third party confidential business information, Samsung shall use its best efforts to obtain third party consent to provide unredacted copies of those documents responsive to paragraph 1 as quickly as possible. However, nothing in this stipulation shall require Samsung to produce responsive documents from other proceedings if doing so would require Samsung to violate the terms of a protective order or other authority precluding the disclosure of those documents.

3. Samsung agrees to use its best efforts to make a substantially complete production by April 16 of its non-privileged, responsive business plans, strategy documents, financial projections and licensing plans dated from January 1, 1999 to December 31, 2005, located after a

1 reasonable search, that are applicable to patents that have been declared essential to the UMTS  
2 specifications identified in Apple's answer and counterclaim, even if those business plans and  
3 other responsive documents also apply to other patents, to UMTS generally and/or to 3G  
4 generally. Of course, Samsung reserves the right to make redactions as appropriate to protect  
5 information about unannounced products or technology that has not been incorporated into a  
6 released product. To the extent that there are any documents referenced in this paragraph that  
7 Samsung is unable to produce to Apple by April 16, Samsung agrees to meet and confer with  
8 Apple on April 18, 2012 at 2:00 p.m. Pacific concerning which documents have not been  
9 produced and the reasons therefor.

10 4. Apple's Motion to Compel [Dkt. 815] is withdrawn. Apple may still file a motion  
11 to enforce this stipulation if necessary; and

12 5. No other dates or deadlines shall be modified by this stipulation and order.  
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Dated: April 10, 2012

Dated: April 10, 2012

/s/ Mark D. Selwyn

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Samsung Telecommunications America, LLC*

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: April 13, 2012

By:



..... The Honorable Paul S. Grewal

..... United States Magistrate Judge

**ATTESTATION OF E-FILED SIGNATURE**

I, Mark D. Selwyn, 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 Victoria Maroulis has concurred in this filing.

Dated: April 10, 2012

/s/ Mark. D Selwyn

Mark D. Selwyn