

1 HAROLD J. MCELHINNY (CA SBN 66781)  
hmcclhinny@mofo.com  
2 MICHAEL A. JACOBS (CA SBN 111664)  
mjacobs@mofo.com  
3 RACHEL KREVANS (CA SBN 116421)  
rkrevans@mofo.com  
4 ERIK J. OLSON (CA SBN 175815)  
ejolson@mofo.com  
5 MORRISON & FOERSTER LLP  
425 Market Street  
6 San Francisco, California 94105-2482  
Telephone: (415) 268-7000  
7 Facsimile: (415) 268-7522

8  
9 Attorneys for Plaintiff and  
Counterclaim-Defendant APPLE INC.

WILLIAM F. LEE  
william.lee@wilmerhale.com  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
60 State Street  
Boston, MA 02109  
Telephone: (617) 526-6000  
Facsimile: (617) 526-5000

MARK D. SELWYN (SBN 244180)  
mark.selwyn@wilmerhale.com  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
950 Page Mill Road  
Palo Alto, California 94304  
Telephone: (650) 858-6000  
Facsimile: (650) 858-6100

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

15  
16 APPLE INC., a California corporation,

17 Plaintiff,

18 v.

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

22 Defendants.  
23

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

**DECLARATION OF JULIE L. DAVIS,  
CPA, IN SUPPORT OF APPLE'S  
OPPOSITION TO SAMSUNG'S  
ADMINISTRATIVE MOTION FOR  
RELIEF FROM APRIL 29, 2013 CASE  
MANAGEMENT ORDER**

Place: Courtroom 8, 4th Floor  
Judge: Hon. Lucy H. Koh

1 I, Julie L. Davis, CPA, declare as follows:

2 1. I am a Principal at Davis & Hosfield Consulting LLC, located at 20 North Wacker  
3 Drive, Suite 2150, Chicago, Illinois 60606. I have been retained by Apple Inc. to serve as a  
4 damages expert in the above-captioned matter. I have been providing audit and financial  
5 consulting services to attorneys and corporate clients for over thirty-five years, and have worked  
6 on at least 300 intellectual property disputes over the course of my career.

7 2. I submitted an expert report in this matter on June 24, 2013. I understand that  
8 relevant portions of that report are attached to declarations submitted with Apple's opposition.

9 3. Before I began working on my expert report, I carefully reviewed the Court's  
10 March 1, 2013 Order re: Damages ("March 1 Order"), the April 29, 2013 Case Management  
11 Order, and the April 29, 2013 Case Management Hearing Transcript.

12 4. In preparing my report, I was mindful of the Court's ruling in the April 29 Case  
13 Management Order that the new trial on damages will be limited to "correct[ing] the erroneous  
14 notice dates," and that the parties must not "expand the scope of the damages trial by relying  
15 upon: (1) new sales data, including any sales after June 30, 201[2]; (2) new products; and (3) new  
16 methodologies or theories." *See* June 24 Expert Report ¶ 89.

17 5. I therefore prepared a calculation of the money damages to which Apple is entitled  
18 for Samsung's infringement of the patents and products at issue in the new trial using the same  
19 damages model and methodologies described in the expert reports and supplements prepared by  
20 Terry Musika of Invotex Group ("Invotex"). I used the same models and software tools,  
21 including certain Access databases and Excel spreadsheets prepared previously by Invotex in  
22 connection with the preparation of Mr. Musika's reports, supplements, and trial testimony. I  
23 worked with the same staff at Invotex that Mr. Musika used to support him in his analysis of  
24 Apple's damages. Except as specifically described in my report, I used as inputs the same data  
25 that Mr. Musika used as inputs to his model. *See* June 24 Expert Report ¶ 89.

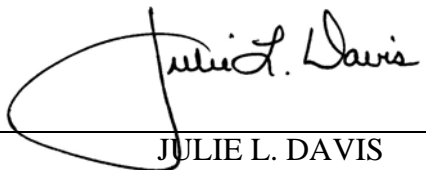
26 6. As Mr. Musika noted in his original expert report dated March 22, 2012, he  
27 created a methodology and a model that could be adjusted to address differences regarding which  
28 products were included, which intellectual property was included, and the date on which Samsung

1 had actual notice of Apple's patent and began any effort to design around it. Thus, it was  
2 possible, working with Invotex, to use Mr. Musika's methods and the tools he had prepared to  
3 update the calculation of damages to address the circumstances presented in the new trial. *See*  
4 June 24 Expert Report ¶ 90.

5 7. In paragraphs 91 through 96 in my June 24 Expert Report, I identified specifically  
6 the changes that I made to the inputs to Mr. Musika's calculations and I reflected how each arose  
7 from the jury's August 24, 2012 Amended Verdict, the March 1 Order, or the April 29, 2013 Case  
8 Management Order.

9 8. Further, when preparing the expert report, I followed the same overall structure as  
10 Mr. Musika's original and supplemental reports. I reused 48 of the same exhibits that Mr. Musika  
11 used in his prior reports. I modeled the remaining exhibits after those used by Mr. Musika and  
12 used a special "-PT" suffix to signify exhibits in which either the formatting or substantive  
13 information was modified or updated in light of the differences between the original and new  
14 trial. I also separated and identified in my report changes made from Mr. Musika's reports so that  
15 these changes could be identified by the parties and the Court as a part of any review.

16  
17 I declare under penalty of perjury that the foregoing is true and correct and that this  
18 declaration was executed this 3rd day of July 2013 in Washington, D.C.

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23 JULIE L. DAVIS  
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