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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 ERIK J. OLSON
IN SUPPORT OF APPLE INC.'S
MOTION TO MODIFY APRIL 29, 2013,
CASE MANAGEMENT ORDER
EXCLUDING EVIDENCE OF
CERTAIN INFUSE 4G SALES OR, IN
THE ALTERNATIVE, FOR LEAVE TO
SEEK RECONSIDERATION OF THAT
ORDER, AND TO CLARIFY THAT
THE ORDER APPLIED SOLELY TO
THE INFUSE 4G**

Date: August 21, 2013
Time: 2:00 PM
Place: Courtroom 8, 4th Floor
Judge: Hon. Lucy H. Koh

PUBLIC REDACTED VERSION

1 I, Erik J. Olson, declare as follows:

2 1. I am a partner at Morrison & Foerster LLP, counsel of record for Apple Inc. in the
3 above-captioned action. I make this declaration based on personal knowledge in support of
4 Apple's Motion to Modify April 29, 2013, Case Management Order Excluding Evidence of
5 Certain Infuse 4G Sales or, in the Alternative, for Leave to Seek Reconsideration of that Order,
6 and to Clarify that the Order Applied Solely to the Infuse 4G.

7 2. Attached as **Exhibit A** hereto are true and correct copies of relevant excerpts from
8 Defendant's Exhibit 676, showing Samsung's monthly unit sales of the Infuse 4G from May 2010
9 through June 2012. As shown on Defendant's Exhibit No. 676.064, Samsung (STA) sold 5,000
10 units of the Infuse 4G in the United States in April 2011 and 248,996 units of the Infuse 4G in the
11 United States in May 2011.

12 3. Attached as **Exhibit B** is a true and correct copy of Exhibit 17.1-PT-H from the
13 June 24, 2013 Expert Report of Julie L. Davis, CPA. This exhibit reflects Apple's post-notice
14 damages using all the post-notice sales included in the financial exhibits produced by Samsung in
15 response to the Court's discovery orders as they were introduced in the August trial based on the
16 parties' stipulation (e.g. JX1500, PX180 and DX676). As shown in Exhibit B, Apple is claiming
17 post-notice damages for the Infuse 4G of [REDACTED] and total damages for the thirteen (13) new
18 trial products of [REDACTED].

19 4. Attached as **Exhibit C** is a true and correct copy of Exhibit 17.1-PT from the June
20 24, 2013 Expert Report of Julie L. Davis, CPA. This exhibit reflects Apple's post-notice
21 damages under identical conditions to those used in Exhibit B except that Ms. Davis has excluded
22 post-notice sales of the Infuse 4G before May 15, 2011, which is the date included in the Joint
23 Pretrial Statement. Exclusion of sales before May 15, 2011, reduces the damages claimed for the
24 Infuse 4G (and the total for all 13 products) by [REDACTED].

25 5. Attached as **Exhibit D** is a true and correct copy of Exhibit 17.1-PT-D from the
26 June 24, 2013 Expert Report of Julie L. Davis, CPA. This exhibit reflects Apple's post-notice
27 damages under identical conditions to those used in Exhibit B except that Ms. Davis has excluded
28 post-notice sales of the 13 new trial products that occurred before the alleged "first sale" dates

1 included in the Joint Pre-Trial Statement. Exclusion of such sales for all 13 products reduces the
2 damages claimed by an additional [REDACTED]
3 (Compare the grand total in Exhibit B—[REDACTED]—to the grand total in Exhibit D—[REDACTED]
4 [REDACTED]

5 I declare under penalty of perjury that the foregoing is true and correct and that this
6 declaration was executed this 17th day of July 2013 in Palo Alto, California.
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8
9 /s/ Erik J. Olson
10 ERIK J. OLSON

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ATTESTATION OF E-FILED SIGNATURE

I, Harold J. McElhinny, am the ECF User whose ID and password are being used to file this Declaration. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Erik J. Olson has concurred in this filing.

Dated: July 17, 2013

/s/ Harold J. McElhinny
Harold J. McElhinny