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

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

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

16 vs.

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

21 Defendants.

CASE NO. 12-CV-00630-LHK

**DECLARATION OF JOSHUA FURMAN  
IN SUPPORT OF APPLE INC.'S  
MOTION FOR LEAVE TO AMEND ITS  
DISCLOSURE OF ASSERTED CLAIMS  
& INFRINGEMENT CONTENTIONS**

1 I, Joshua Furman, declare:

2 1. I am an associate at the law firm of Gibson, Dunn & Crutcher (“Gibson Dunn”), counsel of  
3 record in this action for Plaintiff and Counterclaim-Defendant Apple Inc. (“Apple”). I am licensed to  
4 practice law in the State of New York. I submit this declaration in support of Apple Inc.’s Motion for  
5 Leave to Amend its Disclosure of Asserted Claims and Infringement Contentions. Unless otherwise  
6 indicated, I have personal knowledge of the matters set forth below. If called as a witness, I could  
7 and would testify competently as follows.

9 2. Attached as **Exhibit 1** is a true and correct copy of Apple’s Fourth Amended Infringement  
10 Contentions and claim charts for each asserted patent (Exhibits A-H).

11 3. Attached as **Exhibit 2** is a true and correct copy of an article entitled “Samsung Galaxy S4  
12 Carriers: AT&T Vs. Sprint Vs. T-Mobile, Which Network Has The Best Device?” dated May 8, 2013  
13 and downloaded from [http://www.ibtimes.com/samsung-galaxy-s4-carriers-att-vs-sprint-vs-t-mobile-](http://www.ibtimes.com/samsung-galaxy-s4-carriers-att-vs-sprint-vs-t-mobile-which-network-has-best-device-1246261)  
14 [which-network-has-best-device-1246261](http://www.ibtimes.com/samsung-galaxy-s4-carriers-att-vs-sprint-vs-t-mobile-which-network-has-best-device-1246261) on May 21, 2013.

16 4. Attached as **Exhibit 3** is a true and correct copy of an article entitled “Verizon pushes up  
17 Samsung Galaxy S4 release date to May 23rd” dated May 13, 2013 and downloaded from  
18 [http://www.theverge.com/2013/5/13/4327454/verizon-samsung-galaxy-s4-release-date-now-may-](http://www.theverge.com/2013/5/13/4327454/verizon-samsung-galaxy-s4-release-date-now-may-23rd)  
19 [23rd](http://www.theverge.com/2013/5/13/4327454/verizon-samsung-galaxy-s4-release-date-now-may-23rd) on May 21, 2013.

20 5. Apple’s counsel acquired the AT&T version of the Samsung Galaxy S4 on April 27, 2013, the  
21 Sprint version on May 3, 2013, and the T-Mobile version on May 15, 2013. Apple’s counsel  
22 immediately began the process of investigating the Galaxy S4 to determine whether it infringes any  
23 of the eight asserted patents. As a result of its analysis, Apple determined that the Galaxy S4  
24 infringes certain of the asserted patents in the same way as the other accused Samsung devices.

26 6. Attached as **Exhibit 4** is a true and correct copy of correspondence dated May 8, 2013 from  
27 counsel for Apple to counsel for Samsung informing Samsung that Apple intended to amend its  
28

1 infringement contentions to add the Galaxy S4 and to add evidentiary citations to its existing  
2 contentions.

3 7. Attached as **Exhibit 5** is a true and correct copy of correspondence dated May 14, 2013 from  
4 counsel for Apple to counsel for Samsung transmitting copies of infringement claim charts for the  
5 Galaxy S4.  
6

7 8. Attached as **Exhibit 6** is a true and correct copy of correspondence from counsel for Samsung  
8 to counsel for Apple stating that Samsung opposes Apple's motion to amend its contentions to add  
9 the Galaxy S4.

10 9. Apple began reviewing Samsung source code soon after it was first made available and has  
11 continued to review additional code since Samsung originally made the code available, with the  
12 inspections having continued week-to-week since February. During that time, Samsung continued to  
13 produce relevant code for the accused products, and it did not complete its production of source code  
14 for all accused products until April 9, 2013. Attached as **Exhibit 7** is a true and correct copy of  
15 correspondence from Samsung's counsel to Apple's counsel dated April 9, 2013 detailing production  
16 of additional source code.  
17

18 10. Attached as **Exhibit 8** is a true and correct copy of correspondence I sent on March 6, 2013 to  
19 counsel for Samsung. This letter details some of the problems with Samsung's source code  
20 production, including unacceptable download times, server outages, and changes in the source code  
21 that prevented Apple from effectively reviewing the relevant accused code. After a lengthy meet-  
22 and-confer process, Samsung made a local copy of its source code available on May 13, 2013.  
23

24 11. On March 6, 2013, Apple served an interrogatory on Samsung requesting that Samsung  
25 identify the source code version(s) for each accused product and the location where the source code is  
26 located in Samsung's production. Samsung served an initial response on April 5, 2013 and a  
27 supplemental response on April 12, 2013.  
28

1 12. On September 28, 2012, Apple served a subpoena on Google Inc. requesting production of  
2 source code necessary for Apple's infringement analysis. The large majority of Google's responsive  
3 source code was made available on March 31, 2013, and additional source code was made available  
4 on May 13, 2013. Attached as **Exhibit 9** is a true and correct copy of correspondence dated March  
5 31, 2013 from counsel for Google to counsel for Apple describing Google's production of source  
6 code. Attached as **Exhibit 10** is a true and correct copy of correspondence dated May 13, 2013 from  
7 counsel for Google to me describing Google's further production of source code.  
8

9 13. Attached as **Exhibit 11** is a true and correct copy of correspondence from counsel for Apple  
10 to counsel for Samsung notifying Samsung's counsel of the infringement claim charts attached to this  
11 declaration as Exhibits A-H to Exhibit 1.  
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13 I declare under penalty of perjury under the laws of the United States of America that the  
14 foregoing is true and correct.  
15

16 /s/ Joshua Furman  
17 Joshua Furman  
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