

# **EXHIBIT A**

WILMERHALE

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William F. Lee

+1 617 526 6556 (t)  
+1 617 526 5000 (f)  
william.lee@wilmerhale.com

Victoria Maroulis, Partner  
Quinn Emanuel Urquhart & Sullivan, LLP  
555 Twin Dolphin Drive, 5th Floor  
Redwood Shores, CA 94065

Dear Vicki:

This letter responds to your e-mail concerning mediation or other alternate dispute resolutions (“ADR”). As you know, Apple has always been willing to participate in any ADR that offers the prospect of a successful conclusion. The most senior executives of Apple participated in a two day session with a mediator and multi day sessions with Judge Spero before the first trial. After that trial and before the recent trial, those same executives met with the mediator. In total, Tim Cook and other senior Apple executives have devoted 5 days to this process. Two things concern us about devoting additional time.

The first is the fact that our willingness to even discuss a resolution of the matter was used by Samsung to advance the counterfactual proposition that Apple was willing to license the asserted patents to clone Apple products. Judge Koh rightly rejected that attempt, but we require that any further efforts be preceded by an undertaking that there will be no repeat of that, or any similar, effort.

The second is the statements attributed to John Quinn suggesting that, despite the statements made to the court, Samsung has no interest in resolving these matters. Mr. Quinn has been quoted as saying, “I’m more confident than in any case I’ve ever been in that this is unsupported [by the evidence]. It will go to zero. They’re not going to see any of this money. This won’t stand.” [http://www.law360.com/ip/articles/534842?nl\\_pk=748eed9a-20a4-4a5e-8d8b-41b80e8c0b1a&utm\\_source=newsletter&utm\\_medium=email&utm\\_campaign=ip](http://www.law360.com/ip/articles/534842?nl_pk=748eed9a-20a4-4a5e-8d8b-41b80e8c0b1a&utm_source=newsletter&utm_medium=email&utm_campaign=ip). He reportedly dismissed the earlier verdicts against Samsung by saying, “Apple hasn’t collected a penny—or succeeded in taking any products off the market.” *Id.* And, in what scarcely presages a fruitful return to mediation, “It’s kind of hard to talk settlement with a jihadist.” <http://www.cnet.com/news/samsung-attorney-quinn-says-patent-war-will-be-over-soon-and-apples-not-getting-our-money>. We can only imagine what Samsung might have said if it had actually won any one of the three trials.

Samsung has now lost three jury trials and an ITC proceeding with damages now totaling nearly \$1.1 billion, without prejudgment interest or supplemental damages. While

Wilmer Cutler Pickering Hale and Dorr LLP, 60 State Street, Boston, Massachusetts 02109

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Page 2

Apple remains committed to a resolution of this matter, such a resolution must include compensation to Apple for Samsung's use of Apple's IP. These over the top contentious statements suggest Samsung is still not willing to engage at that level. What assurance, if any, can you provide us that Samsung is prepared to engage in a realistic attempt to resolve this matter?

Very truly yours,



William F. Lee