

**D'AMATO DECLARATION EX. E
FILED UNDER SEAL**

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Civil Action No.: 11-CV-01846-LHK

APPLE, INC., a California corporation,
Plaintiff,

vs.

SAMSUNG ELECTRONICS CO., LTD.,
a Korean business entity;
SAMSUNG ELECTRONICS AMERICA, INC.,
a New York corporation; and
SAMSUNG TELECOMMUNICATIONS AMERICA, LLC,
a Delaware limited liability company,
Defendants.

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*** HIGHLY CONFIDENTIAL ***
ATTORNEYS' EYES ONLY

VIDEOTAPED PERSONAL DEPOSITION OF:

GEE-SUNG CHOI

Tuesday, April 17, 2012
Kim & Chang
Seoul, South Korea
1:24 p.m. to 6:24 p.m.

1 P R O C E E D I N G S

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01:24:28 3 VIDEOGRAPHER: My name is Inga Kornev, a
01:24:30 4 videographer with American Realtime Court
01:24:32 5 Reporters/Asia.

01:24:33 6 The date today is April 17th, 2012. And the
01:24:36 7 time on the video monitor is 1:24.

01:24:40 8 This deposition is being held at the
01:24:43 9 Renaissance Hotel in Seoul, South Korea.

01:24:47 10 The caption of this case is Apple, Inc.
01:24:49 11 versus Samsung Electronics Co., held in the
01:24:54 12 United States District Court, Northern District
01:24:57 13 of California, San Jose Division, with a civil
01:25:00 14 action number of 11-CV-01846-LHK.

01:25:08 15 The name of the witness today is Gee-Sung
01:25:13 16 Choi, testifying in his individual capacity.

01:25:16 17 The court reporter today is Tracey LoCastro,
01:25:18 18 also with American Realtime Court
01:25:19 19 Reporters/Asia.

01:25:19 20 At this time I would like to ask all counsel
01:25:24 21 and interpreters and all present to please state
01:25:27 22 their appearances and whom they represent for
01:25:29 23 the record. And please speak up.

01:25:32 24 MR. MCELHINNY: My name is Harold McElhinny.
01:25:35 25 I'm here as an attorney for Apple, Inc., and I

01:25:37 1 represent the plaintiff in these actions.

01:25:39 2 MR. CHUNG: Minn Chung from Morrison and

01:25:41 3 Foerster for Apple.

01:25:45 4 MS. STEPHANIE KIM: Stephanie Kim from

01:25:46 5 Morrison and Foerster for Apple.

01:25:48 6 MR. HALL: Scott Hall from Quinn Emanuel for

01:25:51 7 Samsung.

01:25:52 8 MR. ZELLER: Mike Zeller for Samsung.

01:25:54 9 MR. QUINN: John Quinn representing Samsung

01:25:56 10 and the witness, Mr. Choi.

01:25:59 11 VIDEOGRAPHER: All others, please state

01:26:00 12 their name for the record.

01:26:00 13 MR. BRIAN KIM: Brian Kim, Samsung inhouse.

01:26:05 14 MR. KIJOONG KANG: Kijoong Kang, Samsung

01:26:06 15 inhouse.

01:26:06 16 LEAD INTERPRETER: Albert S. Kim,

01:26:07 17 interpreter of record.

01:26:09 18 CHECK INTERPRETER: Ann Park, check

01:26:10 19 interpreter.

01:26:11 20 MR. MCELHINNY: This is a stipulation that

01:26:17 21 I've been given that I understand that we both

01:26:19 22 will join in.

01:26:20 23 It says: We understand the court reporter

01:26:22 24 is not authorized to administer oaths in this

01:26:25 25 venue; nevertheless, we request that she

01:26:29 1 administer the oaths, and we stipulate that we
01:26:29 2 waive any objection to the validity of the
01:26:31 3 deposition based on the oaths.

01:26:32 4 MR. QUINN: That is fine.

5 COURT REPORTER: Do you solemnly swear or
6 affirm that you will well and truly interpret
7 the questions propounded by counsel and the
8 answers given by the witness from Korean to
9 English and English to Korean to the best of
01:26:46 10 your ability?

01:26:46 11 LEAD INTERPRETER: I do.

01:26:46 12 CHECK INTERPRETER: Yes, I do.

01:26:46 13 GEE-SUNG CHOI,

01:26:46 14 after having been duly sworn by the reporter, pursuant
01:26:46 15 to stipulation of counsel, was examined and testified
01:27:02 16 through the interpreter as follows:

01:27:02 17 THE WITNESS: I do.

01:27:02 18 EXAMINATION

01:27:02 19 BY MR. MCELHINNY:

01:27:06 20 Q. Good afternoon, Vice-Chairman Choi. As you
01:27:09 21 may have heard, my name is Harold McElhinny. I'm with
01:27:13 22 the law firm of Morrison and Foerster and I'm
01:27:15 23 representing Apple, and I'm going to ask you some
01:27:17 24 questions this afternoon.

01:27:33 25 Sir, have you ever given testimony under

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Q. Thank you.

A. And in terms of those units that belong under his auspices, those would be Mobile Communications, Telecom Systems, IT Solutions and Digital Imaging.

Q. Thank you.

Today does Samsung Electronics have a business unit which is referred to as System LSI?

A. Yes, there is a business division called System LSI within Semiconductor.

Q. And so today that would --

A. The Semiconductor Business Unit.

Q. [REDACTED]

A. [REDACTED]

Q. And is it correct that my client Apple is a customer of the System LSI division?

A. That is correct.

Q. Is Apple the largest customer of the System LSI division?

A. [REDACTED]

MR. QUINN: At this point I'm going to designate this entire transcript as being highly confidential and attorneys' eyes only under the

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terms of the protective order in this case.

BY MR. MCELHINNY:

Q. Do you know, sir, approximately, what the volume of business in U.S. dollars was that Apple did with the System LSI division last year?

MR. QUINN: Vague and ambiguous as to volume of business.

A. Well, if you want me to state it in dollars I will try, but I don't know as to the exact amount.

BY MR. MCELHINNY:

Q. Fair enough.

There have been reports that Apple paid Samsung [REDACTED] Do you know whether that is accurate or not?

MR. QUINN: I object to the preamble to the question, assumes facts not in evidence.

MR. MCELHINNY: I'm going to rephrase the question.

BY MR. MCELHINNY:

Q. Did Apple pay Samsung [REDACTED] [REDACTED]

A. That I do not know for certain.

Q. Okay. Sir, do you know whether or not in doing business with System LSI Apple gives to that Samsung business unit confidential Apple information?

01:50:08 1 MR. QUINN: Vague and ambiguous.

01:50:32 2 A. No, there is no such event.

01:50:37 3 [REDACTED]

01:50:48 [REDACTED]

01:50:52 [REDACTED]

01:50:55 [REDACTED]

01:50:55 7 BY MR. MCELHINNY:

01:51:00 8 Q. Okay. Which is my question. First of all,

01:51:02 9 does Apple place orders with the System LSI division?

01:51:19 10 A. Well, I know that the division does business

01:51:21 11 with Apple. [REDACTED]

01:51:26 [REDACTED]

01:51:28 13 Q. Within Samsung does Samsung treat the size

01:51:37 14 of the orders that Apple places as confidential

01:51:41 15 information?

01:51:52 16 MR. QUINN: Objection. Lacks foundation.

01:52:17 17 A. The company happens to have a number of

01:52:20 18 clientele, and as a matter of principle, the company

01:52:22 19 does not disclose the amount of business it does with

01:52:25 20 each of such clientele.

01:52:25 21 BY MR. MCELHINNY:

01:52:28 22 Q. Does Apple -- does Samsung disclose to its

01:52:33 23 Mobile Communications Unit the size of the orders that

01:52:40 24 Apple has placed with its System LSI division?

01:52:45 25 MR. QUINN: Counsel, I've listened as you've

01:52:48 1 asked a few questions in this area, and so far
01:52:50 2 as I'm aware, this is completely irrelevant to
01:52:52 3 any issue in this case. We're here for a short
01:52:58 4 period of time and I'm just wondering if you can
01:53:01 5 explain to us the relevance of these inquiries.

01:53:54 6 A. The company, as a matter of principle --

01:53:56 7 MR. QUINN: Well, wait a minute. Excuse me,
01:53:57 8 excuse me. I've asked counsel to clarify the
01:53:59 9 relevance, and I'm waiting for an explanation.

01:54:02 10 MR. MCELHINNY: And you can wait because I'm
01:54:04 11 not going to take the time on the record to
01:54:06 12 explain it. I'll take the answer.

01:54:08 13 MR. QUINN: In my understanding in this
01:54:11 14 case, both sides have objected and refused to
01:54:14 15 disclose sensitive, irrelevant information. And
01:54:19 16 I've asked for an explanation about the
01:54:21 17 relevance of this. And as I understand it,
01:54:24 18 Counsel, you're refusing to explain it; is that
01:54:26 19 true?

01:54:27 20 MR. MCELHINNY: I'm not going to take the
01:54:28 21 time on the record to explain the relevance.

01:54:32 22 LEAD INTERPRETER: Yes, and interjection by
01:54:35 23 the interpreter.

01:54:35 24 With due respect to both parties, in the
01:54:38 25 absence of any instruction by Mr. Quinn, the

01:54:42 1 gentleman did offer an answer. The interpreter
01:54:44 2 was partially done with the interpretation. He
01:54:46 3 is under legal obligation to render the rest of
01:54:49 4 it. And, therefore, the interpreter would like
01:54:50 5 to remain in sync with all parties, therefore,
01:54:53 6 as to the answer by the witness.

01:54:55 7 A. As a matter of principle, the company does
01:54:57 8 not disclose such kind of information.

01:55:00 9 LEAD INTERPRETER: Now, as for Mr. Quinn's
01:55:02 10 objection to the witness --

01:55:05 11 MR. QUINN: It was to the question.

01:55:08 12 LEAD INTERPRETER: Yes.

01:55:12 13 (Colloquy was interpreted.)

01:56:11 14 MR. QUINN: If I may make inquiry of the
01:56:15 15 interpreter whether the interpreter has
01:56:17 16 interpreted my objection as well as
01:56:19 17 Mr. McElhinny's response.

01:56:20 18 LEAD INTERPRETER: Yes.

01:56:20 19 And if Mr. Quinn could indulge the
01:56:23 20 interpreter and just allow the interpreter to
01:56:25 21 finish one thing at a time. Yes.

01:56:27 22 MR. QUINN: I apologize if I cut you off.
01:56:31 23 I'll try to do better.

01:56:33 24 LEAD INTERPRETER: No problem at all.

01:56:33 25 BY MR. MCELHINNY:

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Q. Mr. Choi, during your career at Samsung,
were you ever the head of the Mobile Communications
Unit?
A. Yes.
Q. And during what period was that, sir?
A. It seems to me that that was from around the
end of 2006. So in other words, starting in 2007
through about the end of 2008 for approximately a
two-year period of time.
Q. [REDACTED]
[REDACTED]
MR. QUINN: I have an objection. It assumes
facts not in evidence. It's vague and
ambiguous.
A. [REDACTED]
[REDACTED]
BY MR. MCELHINNY:
Q. And first, [REDACTED]
[REDACTED]
A. [REDACTED]
Q. And what -- [REDACTED]
MR. QUINN: Vague and ambiguous.
A. [REDACTED]
BY MR. MCELHINNY:
Q. And is the [REDACTED]

