

**D'AMATO DECLARATION  
EXHIBIT J  
FILED UNDER SEAL**

1                   IN THE UNITED STATES DISTRICT COURT  
2                   NORTHERN DISTRICT OF CALIFORNIA  
3                   SAN JOSE DIVISION  
4

APPLE, INC., a California  
5 corporation,

6  
7                                   Plaintiff,

8  
9                                   - vs -

No. 11-CV-01846-LHK

10 SAMSUNG ELECTRONICS CO., LTD.,  
11 a Korean business entity; et al.,  
12                                   Defendants.

/

13                   VIDEOTAPED DEPOSITION OF TIMOTHY SHEPPARD - 30(b)(6)  
14                   HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY  
15                   SAN FRANCISCO, CALIFORNIA  
16                   WEDNESDAY, FEBRUARY 29, 2012

17  
18  
19  
20  
21                   Reported by: LOUISE MARIE SOUSOURES, CSR NO. 3575  
22                   Certified LiveNote Reporter

23  
24  
25                   JOB NO: 47031

P R O C E E D I N G S

-oOo-

1 (Exhibit Nos. 1918 and 1919 were marked.) 13:26  
2  
3 THE VIDEOGRAPHER: Good afternoon. Here 13:26  
4 marks the beginning of the deposition for Tim 13:26  
5 Sheppard, 30(b)(6) in the matter of Apple, 13:26  
6 Incorporated versus Samsung Electronics Company, 13:26  
7 Limited et al., in the United States District Court, 13:26  
8 Northern District of California, San Jose Division, 13:26  
9 case 11-CV-01846-LHK. 13:26  
10 Deposition is being held at 425 Market Street 13:26  
11 in San Francisco, California on February 29th, 2012 at 13:26  
12 approximately 1:26. 13:26  
13 I am Aline Mayer, a legal video specialist 13:26  
14 from TSG Reporting, headquartered at 747 Third Avenue, 13:26  
15 New York, New York, and our court reporter is Louise 13:26  
16 in association with TSG Reporting. 13:26  
17 Counsel, please introduce yourselves and 13:26  
18 state who you represent for the record. 13:27  
19 MR. OLSON: Eric Olson from Morrison & 13:27  
20 Foerster representing Apple. 13:27  
21 MR. SELWYN: Mark Selwyn from WilmerHale also 13:27  
22 on behalf of Apple. 13:27  
23 MR. ALDEN: Anthony Alden on behalf of Quinn 13:27  
24 Emanuel for Samsung and the witness, Tim Sheppard. 13:27  
25

1 MS. HAN: Julie Han from Samsung. 13:27

2 THE VIDEOGRAPHER: The court reporter will 13:27

3 now please swear in the witness. 13:27

4 --oOo--

5 TIMOTHY SHEPPARD,

6 having been first duly sworn by the

7 Certified Shorthand Reporter to tell

8 the truth, the whole truth, and nothing

9 but the truth, testified as follows:

10 EXAMINATION BY MR. OLSON:

11 Q. Mr. Sheppard, you have been deposed in this 13:27

12 case before, correct? 13:27

13 A. Correct. 13:27

14 Q. And have your job responsibilities changed in 13:27

15 a material way since your deposition in January of 13:27

16 this year? 13:27

17 A. No. 13:27

18 Q. And is it correct that you are responsible 13:27

19 for accounting functions at Samsung Technology -- 13:27

20 excuse me, Telecommunications America? 13:27

21 A. Yes. 13:27

22 Q. And if I refer to that as STA, you would 13:27

23 understand what I was referring to? 13:27

24 A. Yes. 13:28

25 Q. Do you have any role in the accounting at 13:28

1 [REDACTED] 16:36  
2 [REDACTED] 16:36  
3 [REDACTED] 16:36  
4 [REDACTED] 16:36  
5 [REDACTED] 16:36  
6 [REDACTED] 16:36  
7 [REDACTED] 16:36  
8 [REDACTED] 16:36  
9 [REDACTED] 16:36  
10 [REDACTED] 16:36

11 BY MR. OLSON: 16:36

12 Q. So in the hypothetical situation in which on 16:36  
13 a consolidated basis from STA all the way up through 16:36  
14 all the subsidiaries, [REDACTED] 16:36  
15 [REDACTED] 16:37  
16 [REDACTED] 16:37  
17 [REDACTED] 16:37

18 MR. ALDEN: Objection, assumes facts not in 16:37  
19 evidence, vague and ambiguous. 16:37

20 THE WITNESS: Well, firstly, I don't know 16:37  
21 what the actual total consolidated profit is so [REDACTED] 16:37  
22 [REDACTED] [REDACTED] 16:37  
23 [REDACTED] I don't know what the 16:37  
24 reality is. 16:37  
25 [REDACTED], I 16:37

1 don't think that's the way it works. 16:37



16:37  
16:37  
16:37  
16:37  
16:37  
16:37  
16:37  
16:37  
16:37  
16:37  
16:37  
16:37  
16:37  
16:37  
16:37  
16:37

14 BY MR. OLSON: 16:38

15 Q. What I'm trying to understand is the 16:38

16 guarantee [redacted] 16:38

17 [redacted] 16:38

18 [redacted] 16:38

19 A. Yeah, but it's guaranteed no matter what. 16:38

20 [redacted] 16:38

21 [redacted] [redacted] 16:38

22 Q. [redacted] 16:38

23 [redacted] 16:38

24 [redacted] 16:38

25 A. [redacted] [redacted] 16:38

1 [REDACTED] 16:38  
2 [REDACTED] 16:38  
3 [REDACTED] 16:38  
4 [REDACTED] 16:38  
5 [REDACTED] 16:38  
6 [REDACTED] 16:38  
7 [REDACTED] 16:38  
8 [REDACTED] 16:39  
9 [REDACTED] 16:39  
10 [REDACTED] 16:39

11 They have a much higher risk and reward 16:39  
12 situation to deal with this. 16:39

13 [REDACTED] 16:39

14 Q. [REDACTED] 16:39

15 [REDACTED] 16:39

16 [REDACTED] 16:39

17 [REDACTED] 16:39

18 [REDACTED] 16:39

19 Q. And the amount paid in the U.S. is 16:39  
20 approximately [REDACTED] 16:39

21 [REDACTED] 16:39

22 MR. ALDEN: Objection, assumes facts not in 16:39  
23 evidence. 16:39

24 THE WITNESS: [REDACTED] 16:39

25 [REDACTED] 16:39

1 consider the deposition closed. 18:14  
2 I have nothing further, though. 18:14  
3 THE VIDEOGRAPHER: Here marks the end of 18:14  
4 today's deposition of Tim Sheppard, total number of 18:14  
5 tapes used is three. We are off the record, it's 18:14  
6 6:14. 18:14

7  
8

9 (Whereupon, at 6:14 p.m. the deposition of  
10 TIMOTHY SHEPPARD was adjourned.)

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

TIMOTHY SHEPPARD