

**D'AMATO DECLARATION EX. H
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CONFIDENTIAL BUSINESS INFORMATION - SUBJECT TO PROTECTIVE ORDER
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE, INC., a California corporation,
Plaintiff,

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

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

*** CONFIDENTIAL BUSINESS INFORMATION ***
SUBJECT TO PROTECTIVE ORDER

VIDEOTAPED PERSONAL DEPOSITION OF:

SANGEUN LEE

February 24, 2012

Kim & Chang

Seoul, South Korea

9:00 a.m. - 2:01 p.m.

08:59:36 1 P-R-O-C-E-E-D-I-N-G-S

08:59:36 2 THE VIDEOGRAPHER: We are now on the record

09:00:13 3 in the matter of Apple, Inc. versus Samsung

09:00:19 4 Electronics Company, Ltd., et al., for the

09:00:21 5 United States District Court, Northern District of

09:00:25 6 California, San Jose Division, Case No.

09:00:38 7 11-CV-01846-LHK. Today's date is February 24th, 2012.

09:00:44 8 The time now is 9 o'clock.

09:00:47 9 This is the video record in the video

09:00:50 10 deposition of Sangeun Lee. The deposition is taking

09:00:57 11 place at Kim & Chang, Daewoo building, Jongno-gu,

09:01:03 12 Seoul, Korea. I'm Wah Kit Ip, a deposition video

09:01:09 13 specialist with American Realtime Court

09:01:12 14 Reporters/Asia. The court reporter is Lisa Knight,

09:01:16 15 also with American Realtime Court Reporters/Asia.

09:01:21 16 Will all the attorneys please identify

09:01:23 17 themselves and the parties they represent.

09:01:27 18 MR. HO: Francis Ho from Morrison & Foerster

09:01:30 19 representing Apple. And with me is Stephanie Kim,

09:01:33 20 Morrison & Foerster.

09:01:34 21 MR. SHAUL: David Shaul, on behalf of

09:01:37 22 Samsung. With me is Edward Kim from Samsung.

09:02:18 23 (Interpreters sworn.)

09:02:18 24 SANGEUN LEE,

09:02:18 25 having been first duly sworn to state the whole truth

09:02:21 1 testified as follows:

09:02:21 2 MR. HO: We understand the court reporter is
09:02:24 3 not authorized to administer oaths in this venue.
09:02:27 4 Nevertheless, we request that she administer the oath,
09:02:29 5 and we stipulate that we waive any objection to the
09:02:32 6 validity of the deposition based on the oaths.

09:02:35 7 THE REPORTER: Counsel, do you agree?

09:02:35 8 MR. SHAUL: Agreed.

09:02:35 9 THE REPORTER: Thank you.

09:02:35 10 You may proceed.

09:02:35 11 EXAMINATION

09:02:42 12 BY MR. HO:

09:02:42 13 Q. Good morning, Mr. Lee.

09:02:43 14 A. Good morning.

09:02:43 15 Q. Can you please state your full name for the
09:02:44 16 record and spell it in English characters.

09:03:02 17 A. My name is Sangeun Lee, family name being Lee.
09:03:07 18 It's L-e-e, S-a-n-g-e-u-n.

09:03:13 19 Q. Mr. Lee, have you been deposed before?

09:03:15 20 A. Never.

09:03:19 21 Q. Let me explain just the ground rules so that
09:03:23 22 you understand how this process goes. I will be asking
09:03:26 23 you questions about issues in this litigation, and
09:03:31 24 hopefully you can provide me some answers. The court
09:03:33 25 reporter will record everything we say.

09:36:14 1 MR. SHAUL: Objection to form.

09:36:28 2 A. That, I don't know.

09:36:28 3 BY MR. HO:

09:36:30 4 Q. Who assigned you to be the leader of this Best

09:36:33 5 Buy task force?

09:36:34 6 A. My team leader.

09:36:50 7 Q. Who is your team leader?

09:36:52 8 A. Doo Pyo Yoon, the executive manager.

09:37:04 9 CHECK INTERPRETER: "Senior VP."

09:37:05 10 BY MR. HO:

09:37:05 11 Q. Who came up with the idea for the Best Buy task

09:37:08 12 force?

09:37:09 13 A. That one, I don't know.

09:37:21 14 Q. Why was -- strike that.

09:37:28 15 Why did Samsung come up with the Best Buy task

09:37:32 16 force?

09:37:38 17 MR. SHAUL: Objection to form.

09:37:44 18 A. That, I don't know.

09:37:44 19 BY MR. HO:

09:37:48 20 Q. Is it to monitor reasons why customers returned

09:37:51 21 the Galaxy Tab 10.1?

09:37:53 22 MR. SHAUL: Objection to form.

09:38:07 23 A. Can you re-ask the question, please?

09:38:09 24 BY MR. HO:

09:38:10 25 Q. Was the Best Buy task force created so that

09:38:14 1 Samsung can determine reasons why customers returned the

09:38:17 2 Galaxy Tab 10.1?

09:38:18 3 MR. SHAUL: Objection to form.

09:38:41 4 A. That is how I received the orders.

09:38:41 5 BY MR. HO:

09:38:44 6 Q. Can you turn to page 5, please, of the

09:38:47 7 document. What does "VOC" stand for?

09:38:59 8 A. Voice of customer.

09:39:08 9 Q. What does page 5 depict?

09:39:12 10 A. It's a summary -- one of the summaries of the

09:39:32 11 TF results.

09:39:34 12 Q. What kind of summary is this?

09:39:35 13 A. So the total cases of VOC are recorded here as

09:39:57 14 well as the categories for the reasons of return.

09:40:03 15 Q. How did you determine what are the categories

09:40:07 16 for the reasons of return?

09:40:10 17 MR. SHAUL: Objection to form.

09:41:04 18 A. The TF team made the categories based on the

09:41:07 19 response given by respondents.

09:41:10 20 BY MR. HO:

09:41:12 21 Q. Were these responses to questions?

09:41:19 22 MR. SHAUL: Objection to form.

09:41:24 23 A. Correct.

09:41:24 24 BY MR. HO:

09:41:25 25 Q. And were the respondents customers of the

09:41:28 1 Galaxy Tab 10.1?

09:41:31 2 A. No.

09:41:44 3 Q. Were the respondents Best Buy employees?

09:41:46 4 A. Yes. Most of them, yes.

09:41:54 5 Q. Looking at the summary, what were the reasons

09:41:59 6 why customers returned the Galaxy Tab 10.1?

09:42:02 7 MR. SHAUL: Objection to form.

09:42:27 8 A. It's as it is in the document.

09:42:27 9 BY MR. HO:

09:42:30 10 Q. Did you prepare this document?

09:42:31 11 A. Yes, I collected the information and prepared

09:42:42 12 this document.

09:42:43 13 Q. Is one of the reasons for the return product

09:42:48 14 quality?

09:42:48 15 A. Yes, it is.

09:43:04 16 Q. Was one of the reasons for the return the

09:43:07 17 usability of the Galaxy Tab 10.1?

09:43:09 18 A. Yes, it is.

09:43:24 19 Q. And was a reason for return the design of the

09:43:29 20 Galaxy Tab 10.1?

09:43:30 21 MR. SHAUL: Objection to form.

09:43:53 22 A. Yes, it is.

09:43:53 23 BY MR. HO:

09:43:57 24 Q. For the purposes of this summary of the reasons

09:44:00 25 for return of the Galaxy Tab 10.1, what does "product

09:44:05 1 "quality" mean?

09:44:25 2 A. It's basically faults with the product.

09:44:41 3 CHECK INTERPRETER: "Defects."

09:44:42 4 LEAD INTERPRETER: "Defects." I agree.

09:44:43 5 BY MR. HO:

09:44:43 6 Q. What about usability?

09:44:46 7 MR. SHAUL: Objection, form.

09:45:07 8 A. Inconvenience when using the product.

09:45:07 9 BY MR. HO:

09:45:11 10 Q. And what about design?

09:45:13 11 MR. SHAUL: Objection to form.

09:45:29 12 A. It's the same. Complaints about the design of

09:45:32 13 the product.

09:45:32 14 BY MR. HO:

09:45:35 15 Q. By "design," do you mean the exterior design?

09:45:45 16 MR. SHAUL: Objection to form.

09:45:53 17 A. Its complex function.

09:45:59 18 CHECK INTERPRETER: "Complex. Function."

09:45:59 19 BY MR. HO:

09:46:04 20 Q. By "design," do you mean the functioning of the

09:46:06 21 product?

09:46:12 22 MR. SHAUL: Objection to form.

09:46:24 23 A. Not exactly that, but in a complex manner, the

09:46:31 24 complaints that customers would have of the design.

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09:56:15 1 Q. And can you describe a little more about what
09:56:19 2 "Benchmarking the A Company specialist store permanent
09:56:22 3 residence system" is?

09:56:24 4 MR. SHAUL: Objection to form.

09:57:04 5 A. That, I don't remember.

09:57:04 6 BY MR. HO:

09:57:13 7 Q. Did the task force come up with the idea of
09:57:17 8 looking at how Apple puts specialists at Best Buy?

09:57:25 9 MR. SHAUL: Objection to form.

09:57:50 10 A. I don't remember exactly.

09:57:50 11 BY MR. HO:

09:57:52 12 Q. Does Samsung have specialists at Best Buy?

09:58:09 13 A. As far as I know, they do not.

09:58:11 14 Q. Can you please turn to the document Bates
09:58:15 15 labeled -- ending in -010. Can you please go to the row
09:58:29 16 that's labeled O/S, Honeycomb, and iPad. Do you see that
09:58:35 17 row?

09:58:35 18 A. Yes.

09:58:40 19 Q. Can you tell me generally what this chart
09:58:47 20 depicts?

09:59:24 21 A. It says that the Honeycomb OS is difficult to
09:59:52 22 use, and that is the reason of return.

09:59:56 23 Q. Does it also say that people exchange the
10:00:01 24 Samsung Galaxy Tab 10.1 for the iPad 2?

10:00:04 25 MR. SHAUL: Objection to form.

10:00:18 1 A. Yes.

10:00:18 2 BY MR. HO:

10:00:19 3 Q. And did the task force assign this reason for

10:00:25 4 return as a usability reason?

10:00:27 5 MR. SHAUL: Objection to form.

10:00:43 6 A. Yes, that is how it is.

10:00:48 7 CHECK INTERPRETER: ". . . depicted."

10:00:48 8 BY MR. HO:

10:00:50 9 Q. Can you please turn to the page ending in Bates

10:00:54 10 No. -021.

10:01:09 11 A. Okay.

10:01:10 12 Q. Earlier you testified that you received reports

10:01:19 13 indicating that customers confuse the Galaxy Tab 10.1 for

10:01:23 14 the iPad 2; is that correct?

10:01:24 15 MR. SHAUL: Objection to form.

10:01:43 16 A. Yes.

10:01:43 17 BY MR. HO:

10:01:44 18 Q. Does this page reflect that reason?

10:01:52 19 MR. SHAUL: Objection to form.

10:01:55 20 A. Correct. Yes.

10:01:55 21 BY MR. HO:

10:01:58 22 Q. Do you remember if Samsung did anything in

10:02:00 23 response to customers returning the Samsung Galaxy Tab

10:02:07 24 10.1 because the customer had thought it was an iPad 2?

10:02:10 25 MR. SHAUL: Objection to form.

10:02:36 1 A. If Samsung responded to that? Is that your
10:02:40 2 question?
10:02:40 3 BY MR. HO:
10:02:40 4 Q. Yes. Or did the task force come up with any
10:02:43 5 idea to respond to that?
10:02:44 6 MR. SHAUL: Objection to form.
10:02:53 7 A. So if a proposal was made then?
10:02:55 8 BY MR. HO:
10:02:55 9 Q. Sure.
10:02:59 10 A. Yes, we did suggest an idea.
10:03:01 11 Q. And what was that idea?
10:03:04 12 A. Well, like before, the idea here is that we
10:03:20 13 will benchmark A Company, and there is a need to improve
10:03:27 14 our company's FMR structure -- FMR organization operation
10:03:33 15 method.
10:03:34 16 Q. What does "FMR" stand for?
10:03:38 17 A. Field marketing resource. I don't know exactly
10:03:51 18 what the "R" stands for, resource.
10:03:53 19 LEAD INTERPRETER: Just my -- interpreter
10:03:55 20 used "resource," but he said "manpower," so . . .
10:03:58 21 BY MR. HO:
10:03:58 22 Q. Did Samsung consider redesigning the Samsung
10:04:03 23 Galaxy Tab 10.1 so that customers would not be confused
10:04:06 24 that they were purchasing iPad 2?
10:04:09 25 MR. SHAUL: Objection to form.

14:00:25 1 A. I've never seen this before.

14:00:29 2 Q. Can you tell me what it is?

14:00:32 3 MR. SHAUL: Objection to form.

14:00:35 4 A. I don't know.

14:00:38 5 MR. HO: That's all the questions I have for
14:00:39 6 you today, Mr. Lee. Thank you very much.

14:00:41 7 I'd just like to state for the record that
14:00:43 8 almost 20,000 pages of Mr. Lee's documents were
14:00:46 9 produced less than three days before this deposition,
14:00:50 10 and some less than two days before the deposition.
14:00:52 11 And most of it was in Korean language.

14:00:54 12 So we reserve the right to continue this
14:00:56 13 deposition, if necessary, based on the review of those
14:00:59 14 documents.

14:00:59 15 MR. SHAUL: Samsung disagrees. And we don't
14:01:25 16 have any questions either at this time.

14:01:31 17 MR. HO: Off the record.

14:01:33 18 THE VIDEOGRAPHER: Going off the record.

14:01:34 19 It's 14:01.

14:01:36 20 (Time noted: 2:01 p.m.)

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