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16 UNITED STATES DISTRICT COURT
 17
 18 NORTHERN DISTRICT OF CALIFORNIA
 19
 20 SAN JOSE DIVISION

20 APPLE INC.,

21 Plaintiff,

22 v.

23 SAMSUNG ELECTRONICS CO., LTD., a
 Korean corporation; SAMSUNG
 24 ELECTRONICS AMERICA, INC., a New
 York corporation; and SAMSUNG
 25 TELECOMMUNICATIONS AMERICA,
 LLC, a Delaware limited liability company,

26 Defendants.

Case No.: C-11-01846 (LHK)

**DECLARATION OF MICHAEL
 T. PIEJA IN SUPPORT OF APPLE'S
 OPPOSITION TO DEFENDANTS'
 MOTION TO DISQUALIFY BRIDGES
 & MAVRAKAKIS, LLP**

Date: August 24, 2011

Time: 2:00 p.m.

Place: Courtroom 8, 4th Floor

Honorable Lucy H. Koh

REDACTED PUBLIC VERSION

1 I, MICHAEL T. PIEJA, declare as follows:

2 1. I am an associate in the law firm Bridges & Mavrakakis, LLP, counsel of record for
3 plaintiff Apple Inc. (“Apple”) in the above-captioned action. I have been a member of the Bridges
4 & Mavrakakis, LLP law firm since it first opened in 2010. I have been a patent litigator for
5 approximately seven years. The facts set forth in this declaration are personally known to me to
6 be true, and if called upon to testify about the matters contained in this declaration, I could and
7 would testify competently thereto.

8 2. This declaration is submitted in support of Apple’s Opposition to the Motion to
9 Disqualify the Bridges & Mavrakakis, LLP firm (the “Bridges Firm”) filed by defendants
10 Samsung Electronics Co. Ltd., Samsung Electronics America, Inc., and Samsung
11 Telecommunications America, LLC (collectively “Samsung”) on July 11, 2011.

12 3. Before joining the Bridges Firm, I was an associate in the Palo Alto office of the
13 Houston-based law firm Wong Cabello LLP (April 2009 to August 2010). Prior to that, I was an
14 associate with the Kirkland & Ellis LLP firm working in its New York (September 2004 to July
15 2005) and San Francisco (September 2006 to March 2009) offices.

16 4. Apple filed this litigation against Samsung on April 15, 2011 (the “*Apple v.*
17 *Samsung* Case”). I formally made an appearance in this case as counsel of record for Apple on
18 June 16, 2011, the same day Apple filed the First Amended Complaint.

19 5. [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 6. On April 27, 2011, Samsung filed litigation against Apple in the United States
4 District Court for the Northern District of California, Case No. C-11-02079 (the “*Samsung Case*”).
5 I have been informed that the law firm of Wilmer Cutler Pickering Hale and Dorr LLP
6 (“WilmerHale”) was hired as lead counsel to defend Apple in that case. I have never advised
7 Apple or any counsel at WilmerHale about any issues associated with Samsung’s assertion of its
8 intellectual property rights against Apple products in the *Samsung Case*.

9 7. With respect to Samsung, I have only provided legal advice and representation to
10 Apple in connection with Apple’s intellectual property rights as they relate to the Samsung
11 Android-based Galaxy line of smartphones and tablet computers.

12 8. It is a matter of public record that I have also represented Apple in other matters
13 relating to Android based smartphones. For instance, I was counsel of record for Apple in
14 litigation against HTC, including ITC Investigation No. 337-TA-710, and assisted Apple in
15 analyzing its intellectual property rights in connection with that action.

16 9. While I was an associate at Kirkland and Ellis in 2006, I was part of the team of
17 Kirkland attorneys who represented Samsung in actions before the International Trade
18 Commission (*Wireless Communication Devices, Components Thereof, and Products Containing*
19 *Same*, No. 337-TA-583 and *Wireless Communication Equipment, Articles Therein, and Products*
20 *Containing the Same*, No. 337-TA-577)(the “Ericsson Litigation”). My work on that case related
21 primarily to the assertion of a Samsung patent relating to a voice recording functionality against
22 various Ericsson cellular telephones. My representation of Samsung on the Ericsson Litigation
23 matter ended in or about June 2007.

24 10. My prior representation of Samsung had nothing to do with touchscreen
25 technology, devices utilizing the Google open source Android platform, touch-based user
26 interfaces, or any of the other technologies that are the subject of the claims Apple is pursuing in
27 the *Apple v. Samsung Case*. At the time that I represented Samsung, to my knowledge, Samsung
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1 was not selling any products that used the Android operating system, multitouch-based
2 smartphones, or multitouch technology.

3 11. My responsibilities in the Ericsson Litigation did not provide me with any special
4 or unique insight into Samsung's handling of patent cases. The public record discloses that
5 Samsung defended itself using standard defenses such as invalidity, non-infringement, inequitable
6 conduct, and the defenses that are common to standards-related cases in the mobile
7 communications field, such as those relating to "FRAND" (fair, reasonable, and non-
8 discriminatory) licensing commitments. At the time of the Ericsson Litigation, I was an associate
9 with approximately three years' experience. Outside of depositions, I did not have contact of any
10 kind with any Samsung employees and I played no role in formulating litigation strategy.

11 12. None of the Samsung products that were at issue in the Ericsson Litigation form the
12 basis for any of the claims that are being asserted by Apple in the *Apple v. Samsung* Case. To my
13 knowledge, all of Apple's affirmative claims in the *Apple v. Samsung* litigation are directed at
14 products Samsung introduced several years *after* the Ericsson Litigation ended in 2007.

15 13. I have never represented Samsung in any case or matter in which an Android-based
16 smartphone, or products utilizing touchscreen hardware or interfaces, was the subject matter of the
17 inquiry, investigation or litigation.

18 14. On June 27, 2011, the Bridges Firm received a letter addressed to the attention of
19 Kenneth Bridges from Victoria Maroulis, counsel at Quinn Emanuel representing Samsung in the
20 *Apple v. Samsung* Case. The letter raised questions about a potential conflict of interest in the
21 *Apple v. Samsung* Case based on the Bridges Firm attorneys' prior representation of Samsung.

22 15. On June 29, 2011, I sent a response to Quinn Emanuel's June 27 letter, explaining
23 to Ms. Maroulis that the *Apple v. Samsung* Case did not involve any issues relating to the Bridges
24 Firm attorneys' prior representation of or work for Samsung. Because Mr. Bridges was away
25 from the office at the time and unable to meet and confer on June 29 as Ms. Maroulis had
26 requested, we subsequently agreed to meet and confer by telephone on July 5, 2011.

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1 16. On the afternoon of July 5, 2011, Kenneth Bridges and I met and conferred with
2 Quinn Emanuel by telephone regarding Samsung's concerns over the alleged conflict of interest.
3 During the meet and confer discussion, Samsung's counsel asked us questions about the scope of
4 the Bridges Firm's representation of Apple and the nature of the Bridges Firm's interactions with
5 counsel at Morrison & Foerster LLP and WilmerHale. Mr. Bridges informed Ms. Maroulis that
6 the Bridges Firm in no way had participated in representing Apple concerning either the '604
7 Patent (which had been part of the Ericsson Litigation) nor on any FRAND issues relating to
8 Samsung patents. Mr. Bridges also told Ms. Maroulis we would be happy to seek permission from
9 Apple to provide her with additional information if she would provide Mr. Bridges with specific
10 follow-up questions, either orally or in writing. The Quinn Emanuel firm, however, had no further
11 communications with the Bridges Firm and obviously declined to ask for more information.

12 17. Since the time of Samsung's dismissal of the *Samsung* Case and the inclusion of
13 those claims as counterclaims in the *Apple v. Samsung* Case, the Bridges Firm has continued to
14 limit the scope of its representation to the affirmative claims asserted by Apple against Samsung.
15 I have had no involvement in defending Apple against Samsung's affirmative claims.

16 18. At no time have I communicated to Apple, or to anyone representing Apple, any
17 Samsung confidential information that I acquired during the course of my representation of
18 Samsung. Any and all Samsung confidential information that is known to me as a result of my
19 prior representation will continue to be maintained by me in confidence, and will not be disclosed
20 by me to Apple or any other third party in the future.

21 I declare under penalty of perjury, under the laws of the United States of America, that the
22 foregoing is true and correct. Executed this 1st day of August, 2011, at Palo Alto, California.

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/s/ Michael T. Pieja
MICHAEL T. PIEJA

