

1 HAROLD J. MCELHINNY (CA SBN 66,781)
hmcclhinny@mofocom
2 MICHAEL A. JACOBS (CA SBN 111,664)
mjacobs@mofocom
3 RACHEL KREVANS (CA SBN 116,421)
rkrevans@mofocom
4 RICHARD S.J. HUNG (CA SBN 197,425)
rhung@mofocom
5 MORRISON & FOERSTER LLP
425 Market Street
6 San Francisco, California 94105-2482
Telephone: (415) 268-7000
7 Facsimile: (415) 268-7522

WILLIAM F. LEE (*pro hac vice*)
william.lee@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
60 State Street
Boston, Massachusetts 02109
Telephone: (617) 526-6000
Facsimile: (617) 526-5000

MARK D. SELWYN (SBN 244180)
mark.selwyn@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
950 Page Mill Road
Palo Alto, California 94304
Telephone: (650) 858-6000
Facsimile: (650) 858-6100

Attorneys for Plaintiff and
Counterclaim-Defendant Apple Inc.

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN JOSE DIVISION**

14 APPLE INC., a California corporation,
15 Plaintiff,

16 vs.

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

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

24 Counterclaim-Plaintiffs,

25 v.

26 APPLE INC., a California corporation,
27 Counterclaim-Defendant.

Civil Action No. 11-CV-01846-LHK

**APPLE INC.'S OBJECTIONS AND
COUNTERDESIGNATIONS TO
SAMSUNG'S RULE 26(a)(3)
DEPOSITION DESIGNATIONS**

1 Apple submits the following objections and counterdesignations to Samsung's amended
2 deposition designations, filed on July 23, 2012 and as corrected on July 25, 2012.

3 **I. OBJECTIONS TO SAMSUNG'S DEPOSITION DESIGNATIONS**

4 Apple objects to Samsung's presentation of deposition testimony from:

- 5 • any Apple employee or expert witness who is available to testify live at trial, unless
6 the testimony was provided under Rule 30(b)(6) of the Federal Rules of Civil
7 Procedure or by a managing agent;
- 8 • any presently-employed Samsung employee on the ground that such employees are
9 not unavailable to Samsung;
- 10 • any witness whose deposition took place after the fact discovery close, except
11 depositions taken by agreement of the parties or under Court order in this action;
- 12 • any witness within the Court's subpoena powers under Rule 45(b)(2) and not under
13 court order or prior agreement of the parties; and
- 14 • any Apple expert not listed in Apple's revised witness list, filed on July 23, 2012.

15 Apple's specific objections and counterdesignations to Samsung's individual deposition
16 designations are contained in the attached Exhibit A.

17 Dated: July 26, 2012

MORRISON & FOERSTER LLP

18 By: /s/ Michael A. Jacobs
Michael A. Jacobs

19 WILMER CUTLER PICKERING HALE AND DORR LLP

20 By: /s/ Mark D. Selwyn
Mark D. Selwyn

21 For Plaintiff APPLE INC.
22
23
24
25
26
27
28