

1 HAROLD J. MCELHINNY (SBN 66781)
hmcelhinny@mofocom
2 MICHAEL A. JACOBS (SBN 111664)
mjacobs@mofocom
3 RICHARD S.J. HUNG (SBN 197425)
rhung@mofocom
4 MORRISON & FOERSTER LLP
425 Market Street
5 San Francisco, California 94105-2482
Telephone: (415) 268-7000
6 Facsimile: (415) 268-7522

7 KENNETH H. BRIDGES (SBN 243541)
kbridges@bridgesmav.com
8 MICHAEL T. PIEJA (SBN 250351)
mpieja@bridgesmav.com
9 BRIDGES & MAVRAKAKIS LLP
3000 El Camino Real
10 One Palo Alto Square, 2nd Floor
Palo Alto, CA 94306
11 Telephone: (650) 804-7800
Facsimile: (650) 852-9224

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

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

STEPHEN E. TAYLOR (SBN 58452)
staylor@tcolaw.com
STEPHEN MCG. BUNDY (SBN 253017)
sbundy@tcolaw.com
JOSHUA R. BENSON (SBN 269111)
jbenson@tcolaw.com
TAYLOR & COMPANY LAW OFFICES, LLP
One Ferry Building, Suite 355
San Francisco, California 94111
Telephone: (415) 788-8200
Facsimile: (415) 788-8208

15 Attorneys for Plaintiff
APPLE INC.

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 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 JAYNA R. WHITT
IN SUPPORT OF THE 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

28

1 I. JAYNA R. WHITT, declare as follows:

2 1. I am Director of Patent Litigation with plaintiff Apple Inc. ("Apple") in the above-
3 captioned action. I have been a patent litigator for nearly twelve years and I am one of the lawyers
4 at Apple with responsibility for supervising outside counsel in this litigation. The facts set forth in
5 this declaration are personally known to me to be true, and if called upon to testify about the
6 matters contained herein, I could and would testify competently thereto.

7 2. This declaration is submitted in support of Apple's Opposition to the Motion to
8 Disqualify the Bridges & Mavrakakis, LLP law firm as Apple's counsel of record in this action
9 filed on July 11, 2011 by defendants Samsung Electronics Co. Ltd., Samsung Electronics
10 America, Inc., and Samsung Telecommunications America, LLC (collectively "Samsung").

11 3. Apple has chosen to retain different outside counsel to represent it in connection
12 with the different aspects of its disputes with Samsung, both domestically and overseas.

13 4. Apple has retained the law firm of Morrison & Foerster LLP as lead counsel, and
14 Bridges & Mavrakakis, LLP (the "Bridges Firm") as co-counsel, to represent Apple in pursuing its
15 affirmative claims against Samsung in this action. Those claims include asserting utility and
16 design patents covering the distinctive look and design, and touchscreen hardware and user
17 interface technology of well known Apple products (e.g., the iPhone, the iPad and the iPod).

18 5. Apple retained the law firm Wilmer Cutler Pickering Hale and Dorr LLP to serve
19 as lead counsel and represent it in the action Samsung filed against Apple in the United States
20 District Court for the Northern District of California, Case No. C-11-02079 (LHK).

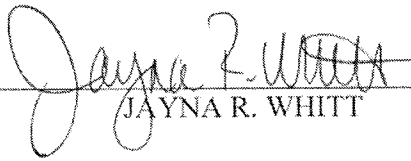
21 6. At the time the Bridges Firm was initially retained in connection with Apple's
22 potential affirmative claims against Samsung, the Bridges Firm and Apple agreed that the firm's
23 representation would be limited to those claims, and that the Bridges Firm would play no role in
24 the representation of Apple to defend any claims that might be asserted by Samsung against
25 Apple. That limited scope of representation was reaffirmed by Apple with the Bridges Firm in the
26 Spring of 2011 prior to the filing of this litigation.

27 7. At no time has Apple received any confidential Samsung information from the
28 Bridges Firm.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

8. The Bridges Firm plays an important role in the prosecution of Apple's affirmative case against Samsung. The Bridges Firm has expertise and an in-depth knowledge about the Apple intellectual property and patent portfolio. The Bridges Firm has also spent many months analyzing the relationship between Apple's intellectual property rights and smartphones utilizing the Android operating system that are manufactured by Samsung and others. Apple has invested very substantial resources in engaging the work of the Bridges Firm, and that body of knowledge would have to be recreated at substantial cost to Apple if the Bridges Firm were to be disqualified in this case.

I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct. Executed this 1 day of August, 2011, at Redwood City, California.



JAYNA R. WHITT