

EXHIBIT E

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

5 APPLE, INC.,) C-11-01846-LHK
6)
6 PLAINTIFF,) JUNE 17, 2011
7)
7 V.)
8)
8 SAMSUNG ELECTRONICS) PAGES 1 - 39
9 COMPANY LIMITED, ET)
9 AL.,)
10 DEFENDANTS.)
11 -----)

12
13 THE PROCEEDINGS WERE HELD BEFORE
14 THE HONORABLE UNITED STATES DISTRICT
15 JUDGE LUCY H. KOH

16 A P P E A R A N C E S:

17
18
19 FOR THE PLAINTIFF: MORRISON & FOERSTER
20 BY: HAROLD J. MCELHINNY
MICHAEL A. JACOBS
21 GRANT L. KIM
425 MARKET STREET
22 SAN FRANCISCO, CALIFORNIA 94105

23 (APPEARANCES CONTINUED ON THE NEXT PAGE.)

24 OFFICIAL COURT REPORTER: IRENE RODRIGUEZ, CSR, CRR
25 CERTIFICATE NUMBER 8074

A P P E A R A N C E S: (CONT'D)

FOR THE DEFENDANTS: QUINN, EMANUEL, URQUHART &
SULLIVAN
BY: CHARLES K. VERHOEVEN
MICHAEL T. ZELLER
ERIK C. OLSON
KEVIN P.B. JOHNSON
VICTORIA F. MAROULIS
865 SOUTH FIGUEROA STREET
10TH FLOOR
LOS ANGELES, CALIFORNIA 90017

2 P R O C E E D I N G S

3
4 (WHEREUPON, COURT CONVENEED AND THE
5 FOLLOWING PROCEEDINGS WERE HELD:)

14:27:50 6 THE CLERK: CALLING CASE NUMBER
14:27:56 7 C-11-1846-LHK, APPLE VERSUS SAMSUNG ELECTRONICS
14:27:59 8 COMPANY LIMITED, ET AL.

14:28:18 9 MR. MCELHINNY: GOOD AFTERNOON, YOUR
14:28:21 10 HONOR. HAROLD MCELHINNY, MICHAEL JACOBS, AND GRANT
14:28:22 11 KIM FOR THE PLAINTIFFS APPLE.

14:28:25 12 THE COURT: GOOD AFTERNOON.

14:28:29 13 MR. VERHOEVEN: GOOD AFTERNOON, YOUR
14:28:30 14 HONOR. CHARLES VERHOEVEN FOR QUINN EMANUEL ON
14:28:33 15 BEHALF OF THE SAMSUNG DEFENDANTS AND WITH ME IS MY
14:28:37 16 PARTNER KEVIN JOHNSON, MIKE ZELLER, VICKIE
14:28:48 17 MAROULIS.

14:28:48 18 THE COURT: GOOD AFTERNOON. PLEASE SIT
14:28:49 19 OR STAND, WHICHEVER IS MOST COMFORTABLE.

14:28:52 20 I HAVE QUESTIONS FOR ALL SIDES TODAY.

14:28:58 21 I'LL START FIRST WITH MR. VERHOEVEN.
14:29:01 22 WHEN WE HAD THE HEARING ON APPLE'S MOTION YOU HAD
14:29:03 23 SPECIFIED SOME EXPEDITED DISCOVERY THAT SAMSUNG
14:29:06 24 WOULD NEED, WHICH I THOUGHT WAS VERY REASONABLE,
14:29:09 25 BUT IT DOESN'T APPEAR THAT YOU'RE REQUESTING THAT

14:36:04 1 EIGHT MONTHS, SIX MONTHS, WHATEVER YOU WANT, MY
14:36:07 2 SCHEDULE IS OPEN. ONE YEAR? YOU TELL ME.

14:36:11 3 WHAT ARE YOUR THOUGHTS ON THAT?

14:36:18 4 MR. MCELHINNY: THE ANSWER -- WELL, THE
14:36:19 5 ANSWER TO YOUR QUESTION IS THAT WE WOULD LIKE THAT,
14:36:21 6 YOUR HONOR. WE WOULD LIKE AN EXPEDITED TRIAL DATE.

14:36:24 7 IN TERMS OF THE SPECIFIC MONTHS, I WOULD
14:36:26 8 NEED TWO MINUTES TO CONSULT WITH MY CLIENT TO GET
14:36:29 9 MORE DIRECT INFORMATION ABOUT THAT.

14:36:31 10 THE COURT: WELL, LET ME HEAR FROM -- IS
14:36:33 11 THAT SOMETHING THAT SAMSUNG WOULD BE INTERESTED IN
14:36:35 12 RATHER THAN US INCREMENTALLY GETTING DISCOVERY
14:36:39 13 PIECEMEAL? WHY DON'T WE JUST GET STARTED ON THE
14:36:41 14 CASE?

14:36:42 15 MR. VERHOEVEN: WELL, I THINK I, TOO,
14:36:43 16 WOULD HAVE TO CONFER. IT'S SORT OF COMING OUT NOT
14:36:47 17 ON THE SUBJECT OF THIS PARTICULAR MOTION.

14:36:49 18 THE COURT: I UNDERSTAND.

14:36:49 19 MR. VERHOEVEN: AND IT'S A VERY
14:36:51 20 COMPLICATED CASE. AS YOU KNOW, YOUR HONOR RELATED
14:36:53 21 THE OTHER CASE TOGETHER WITH IT AND IF WE'RE GOING
14:36:56 22 TO BE PROCEEDING ON UTILITY PATENTS, WE SHOULD
14:36:58 23 PROCEED IN TOTAL.

14:37:01 24 AND SO WE WOULD NEED TO TRY TO DO A
14:37:05 25 SIGNIFICANT ASSESSMENT BECAUSE OFF THE TOP OF -- AT

14:37:10 1
14:37:12 2
14:37:15 3
14:37:18 4
14:37:20 5
14:37:21 6
14:37:24 7
14:37:27 8
14:37:30 9
14:37:35 10
14:37:36 11
14:37:37 12
14:37:42 13
14:37:43 14
14:37:45 15
14:37:48 16
14:37:50 17
14:37:50 18
14:37:52 19
14:37:54 20
14:37:57 21
14:37:57 22
14:37:58 23
14:38:00 24
14:38:03 25

LEAST OFF THE TOP OF MY HEAD, I'LL LET
MR. MCELHINNY SPEAK FOR HIMSELF, BUT AT LEAST OFF
THE TOP OF MY HEAD IT'S IMPORTANT THAT WE GET IT
RIGHT IN TERMS OF THE SCHEDULE AND WE WOULD HAVE TO
SIT DOWN AND FIGURE OUT HOW MANY EXPERTS ARE WE
TALKING ABOUT? YOU KNOW, HOW ARE WE GOING TO DO
THE MARKMAN HEARING WITH ALL OF THESE PATENTS? YOU
KNOW, WHAT ARE YOUR HONOR'S LIMITS, IF ANY, ON THE
NUMBER OF TERMS FOR CONSTRUCTION PER PATENT? IS IT
FOR THE WHOLE CASE?

THOSE ARE THE THINGS I THINK WOULD BE
MORE INVOLVED THAN ME JUST TELLING YOU RIGHT OFF
THE TOP OF MY HEAD.

THE COURT: I'M NOT ASKING YOU TO TELL ME
OFF THE TOP OF YOUR HEAD, AND I DON'T THINK THAT'S
FAIR TO YOU ALL SINCE THIS IS REALLY NOT EVEN A
CMC.

MR. VERHOEVEN: MAY I SAY ONE OTHER THING
REALLY QUICKLY, YOUR HONOR?

LAST NIGHT I THINK IT WAS APPLE FILED AN
AMENDED COMPLAINT.

THE COURT: I KNOW.

MR. VERHOEVEN: AND ADDED NEW PATENTS.
SO WE HAVEN'T EVEN HAD A CHANCE TO GO THROUGH THAT
YET, YOUR HONOR.

14:38:03 1
14:38:06 2
14:38:06 3
14:38:07 4
14:38:10 5
14:38:12 6
14:38:14 7
14:38:18 8
14:38:20 9
14:38:21 10
14:38:24 11
14:38:26 12
14:38:28 13
14:38:29 14
14:38:31 15
14:38:33 16
14:38:37 17
14:38:42 18
14:38:43 19
14:38:48 20
14:38:48 21
14:38:49 22
14:38:53 23
14:38:57 24
14:38:57 25

SO THAT WOULD OBVIOUSLY IMPACT US AS
WELL.

THE COURT: SURE. LET ME ASK, THE
SAMSUNG VERSUS APPLE CASE, IT HAS BEEN RELATED BUT
IT HASN'T BEEN CONSOLIDATED.

ARE YOU ALL GOING TO SEEK TO CONSOLIDATE
IT OR ARE YOU JUST GOING TO THEN ASSERT THE PATENTS
THAT YOU ASSERTED IN THAT CASE AS COUNTERCLAIMS IN
THIS CASE AND IT IS RESPECTIVELY THE SAME CASE
ANYWAY, OR WHAT IS GOING TO HAPPEN?

MR. VERHOEVEN: WE THINK IT SHOULD BE
CONSOLIDATED, YOUR HONOR, AND WE THINK IT SHOULD BE
CONSOLIDATED AND SHOULD PROCEED AS A SINGLE CASE.

THE COURT: NOW, WHEN YOU -- I THINK YOUR
ANSWER DATE IS NOT FOR A LITTLE WHILE, RIGHT? I
KNOW YOU STIPULATED TO A DATE. WHEN WAS THAT?

MR. VERHOEVEN: JULY 15TH.

MS. MAROULIS: YOUR HONOR, JULY 5TH.
IT'S GOING TO BE CHANGED BECAUSE OF THE FILING
YESTERDAY.

THE COURT: I SEE. OKAY. ARE YOU
ANTICIPATING THEN FILING COUNTERCLAIMS THAT WOULD
ASSERT YOUR OWN -- WHATEVER COMBINATION OF UTILITY
PATENTS?

MR. VERHOEVEN: WE'RE STILL EVALUATING

14:38:59 1 OUR OPTIONS, AND I REALLY CAN'T SPEAK TO THAT AT
14:39:01 2 THIS POINT.

14:39:02 3 THE COURT: OKAY.

14:39:02 4 MR. VERHOEVEN: WE ARE EVALUATING THOSE
14:39:04 5 OPTIONS THOUGH, YOUR HONOR.

14:39:05 6 MR. MCELHINNY: IF I MAY, YOUR HONOR?

14:39:07 7 THE COURT: YES.

14:39:08 8 MR. MCELHINNY: TWO OF THE SUBJECTS THAT
14:39:09 9 HAVE BEEN TOUCHED ON, WE DO, THE REASON WE'RE
14:39:11 10 TALKING ABOUT AN INJUNCTION, IS THAT WE DO FEEL
14:39:13 11 THAT THERE IS INJURY GOING ON.

14:39:16 12 WE DO SEEK TO EXPEDITE A RESOLUTION OF
14:39:19 13 THIS CASE. WE DO THINK THAT -- WE WILL OPPOSE
14:39:22 14 CONSOLIDATION SIMPLY BECAUSE ADDING A TEN-UTILITY
14:39:26 15 PATENT ONTO THE CASE THAT WE HAVE WE THINK IS A
14:39:29 16 DELAYING TACTIC.

14:39:30 17 BUT IN CONNECTION I THINK I CAN SAY
14:39:34 18 COUNSEL, ALL OF THE COUNSEL WHO ARE IN THE CASE,
14:39:36 19 WILL OPPOSE CONSOLIDATING THAT ON APPLE'S SIDE.

14:39:40 20 AS YOU KNOW FROM THE DECLARATIONS, I
14:39:42 21 MEAN, I SAT IN FRONT OF YOU AND YOU SAID, YOU CAN
14:39:46 22 EXPEDITE DISCOVERY AND WE KNOW FROM THE
14:39:49 23 DECLARATIONS, WE CALLED THEM UP AND WE WENT THROUGH
14:39:51 24 THE LIST THAT MR. VERHOEVEN HAD STATED AND HE SAID
14:39:54 25 EXACTLY YOUR POINT, WHICH WAS THAT THERE IS GOING

14:39:57 1 TO HAVE TO BE SOME DISCOVERY RELATIVE TO THIS
14:39:59 2 INJUNCTION IF IT IS FILED, CAN'T WE AGREE ON A
14:40:02 3 PROCESS FOR THAT? CAN'T WE DECIDE IF DECLARANTS
14:40:06 4 ARE TO BE DEPOSED, ALL OF THE STUFF THAT I
14:40:07 5 MENTIONED TO YOU?

14:40:08 6 AND TODAY THEY WILL NOT ENGAGE WITH US.

14:40:12 7 AND, AGAIN, I THINK AS COUNSEL HAS SAID,
14:40:14 8 THE LIKELY PROCEDURE HERE IS THAT THEY FILED THIS
14:40:17 9 SORT OF WHAT WE WOULD CALL IT A "GOTCHA MOTION" AND
14:40:21 10 IF IT DOESN'T SUCCEED THEN WE'RE GOING TO START
14:40:24 11 OVER THE PROCESS ABOUT NOW WHAT DISCOVERY DO YOU
14:40:27 12 REALLY NEED THAT IS RELEVANT TO THE INJUNCTION AND
14:40:30 13 HOW LONG WOULD IT TAKE, AND I THINK WE WILL SEE AN
14:40:33 14 ENGAGEMENT AND PROBABLY A DRAWN-OUT DISCOVERY
14:40:36 15 PERIOD.

14:40:36 16 MR. VERHOEVEN: YOUR HONOR, MAY I
14:40:37 17 BRIEFLY?

14:40:37 18 MR. MCELHINNY: JUST LET ME FINISH.

14:40:39 19 THE OTHER THING IS ALL OF THE CLAIMS THAT
14:40:41 20 WE WILL BE PURSUING, WHATEVER THEY ARE IN THE
14:40:43 21 PRELIMINARY INJUNCTION, AS WE POINTED OUT TO YOUR
14:40:47 22 HONOR BEFORE, AND AS WE POINTED OUT CLEARLY IN OUR
14:40:49 23 AMENDED COMPLAINT, WILL BE BASED ON PRODUCTS THAT
14:40:51 24 ARE CURRENTLY IN THE MARKET. THEY WILL NOT BE
14:40:54 25 BASED ON OUR FUTURE PRODUCTS.

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

CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT
REPORTER OF THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH
FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY
CERTIFY:

THAT THE FOREGOING TRANSCRIPT,
CERTIFICATE INCLUSIVE, CONSTITUTES A TRUE, FULL AND
CORRECT TRANSCRIPT OF MY SHORTHAND NOTES TAKEN AS
SUCH OFFICIAL COURT REPORTER OF THE PROCEEDINGS
HEREINBEFORE ENTITLED AND REDUCED BY COMPUTER-AIDED
TRANSCRIPTION TO THE BEST OF MY ABILITY.

/s/

IRENE RODRIGUEZ, CSR, CRR
CERTIFICATE NUMBER 8074

DATED: JUNE 20, 2011