

1 HAROLD J. MCELHINNY (CA SBN 66781)  
 hmcclhinny@mofo.com  
 2 MICHAEL A. JACOBS (CA SBN 111664)  
 mjacobs@mofo.com  
 3 RACHEL KREVANS (CA SBN 116421)  
 rkrevans@mofo.com  
 4 JENNIFER LEE TAYLOR (CA SBN 161368)  
 jtaylor@mofo.com  
 5 ALISON M. TUCHER (CA SBN 171363)  
 atucher@mofo.com  
 6 RICHARD S.J. HUNG (CA SBN 197425)  
 rhung@mofo.com  
 7 JASON R. BARTLETT (CA SBN 214530)  
 jasonbartlett@mofo.com  
 8 MORRISON & FOERSTER LLP  
 425 Market Street  
 9 San Francisco, California 94105-2482  
 Telephone: (415) 268-7000  
 10 Facsimile: (415) 268-7522

WILLIAM F. LEE  
 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

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

11 Attorneys for Plaintiff and  
 12 Counterclaim-Defendant APPLE INC

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN JOSE DIVISION

17 APPLE INC., a California corporation,  
 18 Plaintiff,  
 19 v.  
 20 SAMSUNG ELECTRONICS CO., LTD., a  
 Korean business entity; SAMSUNG  
 21 ELECTRONICS AMERICA, INC., a New York  
 corporation; SAMSUNG  
 22 TELECOMMUNICATIONS AMERICA, LLC, a  
 Delaware limited liability company,  
 23 Defendants.  
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Case No. 11-cv-01846-LHK

**APPLE’S RESPONSE TO SAMSUNG’S  
 “CORRECTED” OBJECTIONS TO  
 CROSS EXAMINATION MATERIALS  
 FOR JUSTIN DENISON**

**Trial: July 30, 2012**  
**Time: 9:00 a.m.**  
**Place: Courtroom 1, 5th Floor**  
**JUDGE: HON. LUCY H. KOH**

1 Samsung's "corrected" objection to Justin Denison's cross examination exhibits PX54 and  
2 PX58 (Dkt. No. 1521 at 2) is a belated attempt to object on entirely new grounds to exhibits this  
3 Court had just ruled were admissible (Dkt. No. 1520 at 5). On the merits, Samsung is also wrong  
4 that these two exhibits and PX60 are "untimely" because not specifically identified in response to  
5 a contention interrogatory. (Dkt. No. 1521 at 1.) Apple disclosed in response to interrogatory  
6 No. 7 that it intended to rely on documents of exactly the kind Samsung now challenges.

7 Apple's efforts to cause Samsung to disgorge its copying documents have been met with  
8 resistance at every turn and resulted in the first (of several) sanctions orders against Samsung for  
9 discovery violations. (Dkt. No. 880.) Apple eventually pried loose the documents it has  
10 proffered as PX54, PX58, and PX60, but *not until April* did Samsung produce the third of these  
11 documents. Samsung can hardly object that the documents were not individually identified in  
12 Apple's interrogatory responses, which were timely updated at the close of discovery. (*See*  
13 *Bartlett Decl. Ex. A.*) The interrogatory did not even ask Apple to identify documents. (*Id.* at 6.)

14 Apple's timely response to interrogatory No. 7 seeking evidence of willfulness discloses  
15 that Apple will rely on Samsung's internal documents showing that Samsung analyzed and  
16 compared its products to Apple's. (*See id.* at 9-10). Specifically, Apple disclosed that it would  
17 rely on "documents that Samsung has produced, and continues to produce, evidencing  
18 comparisons, analyses, studies, teardowns, and investigations of Apple products." (*Id.*) This  
19 disclosure describes all three of the challenged documents.

20 Apple also disclosed its intention to rely on the specific documents in question when it  
21 served expert reports. Apple's expert Terry Musika cites all three documents by name and Bates  
22 number in his reports. (*See Exhibit B to the Declaration of Terry Musika in Support of Apple's*  
23 *Opposition to Samsung's Daubert Motion* (Dkt. No. 991.) at Ex. 3-S and Ex. 53-S.)

24 Samsung's objections are a misguided attempt to capitalize on this Court's vigorous  
25 enforcement of Judge Grewal's orders, but Samsung did not include this challenge to Apple's  
26 evidence in its motion to strike before Judge Grewal. Had Samsung truly thought Apple's  
27 evidence objectionable, it could have made that argument in its motion to strike. It did not.  
28 Samsung's belated objections (*e.g.*, to PX54, PX58 and PX60) should accordingly be overruled.

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Dated: August 1, 2012

MORRISON & FOERSTER LLP

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

Attorneys for Plaintiff  
APPLE INC.