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HAROLD J. MCELHINNY (CA SBN 66781)
hmcclhinny@mof.com
MICHAEL A. JACOBS (CA SBN 111664)
mjacobs@mof.com
RICHARD S.J. HUNG (CA SBN 197425)
rhung@mof.com
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482
Telephone: (415) 268-7000
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.*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

APPLE INC., a California corporation,

Plaintiff,

vs.

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

Defendant.

Civil Action No. 11-CV-01846-LHK

**DECLARATION OF MARK D. SELWYN
IN SUPPORT OF PLAINTIFF AND
COUNTERCLAIM-DEFENDANT APPLE
INC.'S OPPOSITION TO SAMSUNG'S
MOTION TO DISMISS AND STRIKE
APPLE'S COUNTERCLAIMS**

1 SAMSUNG ELECTRONICS CO., LTD., a
2 Korean business entity, SAMSUNG
3 ELECTRONICS AMERICA, INC., a New
4 York corporation, and SAMSUNG
5 TELECOMMUNICATIONS AMERICA,
6 LLC, a Delaware limited liability company,

6 Counterclaim-Plaintiffs,

7 v.

8 APPLE INC., a California corporation,

9 Counterclaim-Defendant.

10
11 I, Mark D. Selwyn, hereby declare as follows:

12 1. I am a partner at the law firm of Wilmer Cutler Pickering Hale and Dorr LLP,
13 counsel for Apple Inc. ("Apple") in the above-entitled action. I am licensed to practice law in
14 the State of California, the Commonwealth of Massachusetts, and the State of New York, and am
15 admitted to practice before the U.S. District Court for the Northern District of California. I am
16 familiar with the facts set forth herein, and, if called as a witness, I could and would testify
17 competently to those facts under oath.
18

19 2. Attached as Exhibit A is a true and correct copy of the "Brief of Amici Curiae
20 Nvidia Corporation, Micron Technology, Inc., Samsung Electronics Corporation, Ltd., and
21 Hynix Semiconductor, Inc. on the Issue of the Appropriate Remedy for Rambus's Violations of
22 the FTC Act," submitted on September 15, 2006 in *In the Matter of Rambus Inc.*, Docket No.
23 9302 (F.T.C.).
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1 3. Attached as Exhibit B is a true and correct copy of the Cross-Complaint of
2 Samsung Electronics Co., Ltd., Against Cross-Defendant Rambus, Inc., filed on February 24,
3 2006 in *Rambus, Inc. v. Micron Technology, Inc.*, Case No. 04-431105 (Cal. Super. Ct.).
4

5 4. Attached as Exhibit C is a true and correct copy of a redacted version provided by
6 counsel for Samsung of Samsung's Re-amended Defence and Counterclaim, filed on September
7 15, 2007 in *Telefonaktiebolaget LM Ericsson v. Samsung Electronics UK Limited and Samsung*
8 *Electronics Co. Limited*, Claim No. HC06 C00618 (High Court of Justice, Chancery Division,
9 Patents Court).
10

11 5. Attached as Exhibit D is a true and correct copy of Samsung's First Amended
12 Complaint, filed on September 14, 2007 in *Samsung Electronics Co., Ltd., v. InterDigital*
13 *Communications Corp., et al.*, C.A. No. 07-167 (D. Del.).
14

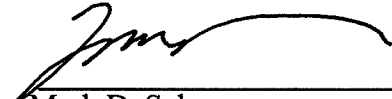
15 6. Attached as Exhibit E is a true and correct copy of the Order and Opinion dated
16 June 7, 2011 in *Apple Inc. v. Motorola Mobility, Inc.*, Case No. 11-CV-178-BBC (W.D. Wis.).
17

18 7. Attached as Exhibit F is a true and correct excerpt from IIA Phillip E. Areeda, et
19 al., *Antitrust Law* (3rd ed. 2007).
20

21 8. Attached as Exhibit G is a true and correct excerpt from 7 Phillip E. Areeda and
22 Herbert Hovenkamp, *Antitrust Law* (2d ed. 2003).
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1 I declare under penalty of perjury that the foregoing is true and correct to the best of my
2 knowledge. Executed on this 29th day of August, 2011, in Palo Alto, California.
3

4
5 Dated: August 29, 2011

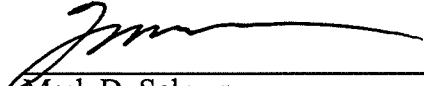


Mark D. Selwyn

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on August 29, 2011 to all counsel of record who are deemed to have consented to electronic service per Civil Local Rule 5.4.



Mark D. Selwyn

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