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13 Attorneys for SAMSUNG ELECTRONICS CO.,
 LTD., SAMSUNG ELECTRONICS AMERICA,
 14 INC. and SAMSUNG
 TELECOMMUNICATIONS AMERICA, LLC
 15

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION
 18

19 APPLE INC., a California corporation,

20 Plaintiff,

21 vs.

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

25 Defendant.
 26

CASE NO. 11-cv-01846-LHK

**DECLARATION OF RACHEL HERRICK
 KASSABIAN IN SUPPORT OF
 SAMSUNG'S MOTION TO COMPEL
 APPLE TO SCHEDULE INVENTOR AND
 PROSECUTING ATTORNEY
 DEPOSITIONS**

Date: Tuesday, November 8, 2011
 Time: 10:00 a.m.
 Place: Courtroom 5, 4th Floor
 Judge: Hon. Paul S. Grewal

1 I, Rachel Herrick Kassabian, declare:

2 1. I am a partner in the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,
3 counsel for Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung
4 Telecommunications America, LLC (collectively, "Samsung"). I submit this declaration in
5 support of Samsung's Motion to Compel Apple to Schedule Inventor and Prosecuting Attorney
6 Depositions. I have personal knowledge of the facts set forth in this declaration and, if called
7 upon as a witness, I could and would testify to such facts under oath.

8 2. Attached hereto as Exhibit 1 is a true and correct copy of transcript excerpts from
9 the August 24, 2011 case management conference before Judge Koh.

10 3. Attached hereto as Exhibit 2 is a true and correct copy of the Court's August 25,
11 2011 Case Management Order.

12 4. On September 2, 2011, my colleague Melissa Chan and I met and conferred with
13 Apple's counsel on a number of subjects, including the need to schedule Apple's inventor and
14 prosecuting attorney depositions according to the Court's schedule. In response to our suggestion
15 that the deposition schedule might need to spill into early November to accommodate the
16 approximately 48 planned depositions, Apple's counsel indicated that it was not amenable to
17 scheduling any of these depositions beyond the November 1 cutoff. For this reason, we presumed
18 that Apple would promptly secure deposition dates for all 48 of these witnesses (many of whom,
19 like the design patent inventors, are Apple's own employees) to ensure that the November 1 date
20 would be met.

21 5. Between September 12 and 16, 2011, Samsung formally noticed the depositions for
22 nearly all 48 inventors and prosecuting attorneys for Apple's 15 asserted patents. The depositions
23 were noticed for dates between September 19, 2011 and October 20, 2011, although Samsung
24 indicated via cover letter that it was amenable to alternate dates based on the witness's schedules.
25 Samsung made clear during various meet and confer communications that it wanted the
26 depositions evenly distributed so that no more than one utility and one design patent witness were
27 being deposed each day (to the extent practicable), and that the inventors and prosecuting attorney
28 deposition dates be similarly distributed so that neither group was clumped at any particular date.

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General Order 45 Attestation

I, Victoria F. Maroulis, am the ECF user whose ID and password are being used to file this Declaration. In compliance with General Order 45(X)(B), I hereby attest that Rachel Herrick Kassabian has concurred in this filing.

/s/ Victoria Maroulis