

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

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*)  
 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

Attorneys for Plaintiff  
 APPLE INC.

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN JOSE DIVISION

14 APPLE INC., a California corporation,  
 15  
 16 Plaintiff,  
 17 v.  
 18 SAMSUNG ELECTRONICS CO., LTD., a  
 Korean corporation; SAMSUNG  
 ELECTRONICS AMERICA, INC., a New  
 19 York corporation; and SAMSUNG  
 TELECOMMUNICATIONS AMERICA,  
 20 LLC, a Delaware limited liability company,  
 21 Defendants.

Case No. 11-cv-01846-LHK

**DECLARATION OF MINN CHUNG IN  
 SUPPORT OF APPLE'S MOTION TO  
 COMPEL SAMSUNG TO PRODUCE  
 DOCUMENTS AND PROVIDE  
 RESPONSIVE ANSWERS TO  
 PROPOUNDED DISCOVERY**

Date: October 25, 2011  
 Time: 10:00 am  
 Courtroom: 5, 4<sup>th</sup> Floor  
 Honorable Paul S. Grewal

22  
 23 **PUBLIC REDACTED VERSION**  
 24  
 25  
 26  
 27  
 28

1 I, MINN CHUNG, declare as follows:

2 1. I am an attorney at the law firm of Morrison & Foerster LLP, counsel of record in  
3 this action for plaintiff Apple Inc. (“Apple”). I submit this declaration in support of Apple’s  
4 Motion to Compel Samsung to Produce Documents and Provide Responsive Answers to  
5 Propounded Discovery. Unless otherwise indicated, I have personal knowledge of the matters set  
6 forth below. If called as a witness I could and would testify competently as follows:

7 2. I am a native Korean speaker and proficient in written Korean language. I have a  
8 Bachelor of Science degree in physics from M.I.T., and spent over 15 years developing  
9 technology products, both hardware and software, before attending law school.

10 3. Prior to and including September 12, 2011, Samsung made the following  
11 productions of documents in response to Apple’s requests:

- 12 • September 2, 2011: 21 documents, totaling 1,916 pages.
- 13 • September 12, 2011: 2,955 documents, totaling 15,429 pages, one native video  
14 file.

15 Thus, as of September 12, 2011, Samsung had produced 2,976 documents and 17,345 pages in  
16 total in response to Apple’s requests.

17 4. After September 12, 2011, Samsung produced the following documents:

- 18 • September 13, 2011: 76 native CAD files, along with 76 pages of images  
19 apparently rendered from those CAD files.
- 20 • September 16, 2011: 1,967 documents, totaling 11,895 pages.
- 21 • September 17, 2011: 773 documents, totaling 2,082 pages.

22 Thus, after September 12, 2011, Samsung produced 2,816 documents totaling 14,053 pages.

23 5. Samsung’s production on September 2, 2011 was comprised of Apple’s patents,  
24 the prosecution history of Apple’s patents, claim charts of Apple’s ’318 patent, Apple’s  
25 Complaints from other cases, undertakings by Apple’s experts in various cases at the ITC, and  
26 alleged prior art references to Apple’s patents.

27 6. Samsung’s production on September 12, 2011 included 2,075 pages of Korean  
28 documents out of 15,429 pages in total.

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

[REDACTED]

9. Samsung’s production on September 12, 2011 included no document that reflects the process of making design decisions regarding the accused Samsung products. Nor was there any document in Samsung’s production describing the design history of the accused products. In fact, almost no document appeared to have been authored by Samsung designers during the development of the accused products. The only exception was a document authored by the “Design Group” of Samsung regarding the packaging of Samsung products.

10. While a handful of documents relating to products under development were included in the production, they were overall product specifications that are only tangentially relevant to the look and aesthetics design of the accused Samsung products.

11. In addition, Samsung’s production included no document relating to the analysis of Apple’s designs by Samsung designers.

[REDACTED]

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

[REDACTED]

15. In fact, there were no emails among the approximately 1,200 emails from the following designers identified in Samsung's Initial Disclosures as having information regarding the design of Samsung products: Minhyouk Lee, Yunjung Lee, Jin Soo Kim, and Hyoung Shin Park.

[REDACTED]

17. Similar to the previous productions, Samsung's productions after September 12, 2011, lacked design documents that contain discussions of design decisions by Samsung's designers during the development of process that led to the final designs of Samsung products. To the extent that design documents exist in Samsung's productions, they are about the design of the finished product itself, not about the development of the designs or the aesthetic considerations contemplated or discussed by Samsung designers during the development of Samsung products. In fact, no documents among the over 10,000 Korean language materials produced by Samsung appear to relate to the design history of the accused products.

18. Furthermore, Samsung's productions continue to lack documents relating to analysis of Apple designs by Samsung designers.

[REDACTED]

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I declare under the penalty of perjury under the laws of the United States of America that the forgoing is true and correct and that this Declaration was executed this 20th day of September, 2011, at San Francisco, California.

By: /s/ Minn Chung  
Minn Chung

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

**ATTESTATION OF E-FILED SIGNATURE**

I, JASON R. BARTLETT, 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 Minn Chung has concurred in this filing.

Dated: September 20, 2011

By: /s/ Jason R. Bartlett  
Jason R. Bartlett