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Attorneys for Plaintiff and  
Counterclaim-Defendant APPLE INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

APPLE INC.,  
  
Plaintiff,  
  
v.  
  
SAMSUNG ELECTRONICS CO., LTD., A  
Korean business entity; SAMSUNG  
ELECTRONICS AMERICA, INC., a New York  
corporation; SAMSUNG  
TELECOMMUNICATIONS AMERICA, LLC, a  
Delaware limited liability company.,  
  
Defendants.

Case No. 11-cv-01846-LHK

**DECLARATION OF MIA MAZZA  
IN SUPPORT OF APPLE'S  
OPPOSITION TO SAMSUNG'S  
MOTION TO COMPEL  
PRODUCTION OF DOCUMENTS  
AND THINGS**

PUBLIC REDACTED VERSION

1 I, Mia Mazza, declare as follows:

2 1. I am an attorney with the law firm of Morrison & Foerster LLP, counsel for Apple  
3 Inc. (“Apple”). I am licensed to practice law in the State of California. Unless otherwise  
4 indicated, I have personal knowledge of the matters stated herein or understand them to be true  
5 from members of my litigation team. I make this declaration in support of Apple’s Opposition to  
6 Samsung’s Motion to Compel Production of Documents and Things.

7 2. Apple’s Motion for Preliminary Injunction was heard on October 13, 2011. Since  
8 the Preliminary Injunction hearing, Apple has produced approximately 12,239 documents totaling  
9 more than a million pages in its offensive case against Samsung. Apple has produced for  
10 inspection numerous CAD files, native and printed source code files, Director files on a computer  
11 capable of viewing them, and models and prototypes requested by Samsung in connection with  
12 inventor depositions. Samsung deposed 17 Apple patent prosecutors in the month of October  
13 2011 and 31 Apple inventors in the months of October and November 2011.

14 3. Since the Preliminary Injunction hearing, Samsung has produced about 650  
15 documents, totaling less than 29,000 pages. About 22,000 of those pages were produced in the  
16 past week. On November 22 and 23, 2011, Apple noticed nine depositions of Samsung  
17 witnesses. On December 6, 2011, Apple noticed an additional 28 depositions of Samsung  
18 witnesses. To date, Samsung has provided only one date for one of these depositions, despite  
19 Apple’s having requested dates in various letters, emails, and meet-and-confer calls. Samsung  
20 provided that date on the evening of December 14, 2011.

21 4. Other than the *Apple v. Motorola* documents related to Samsung’s claim  
22 construction briefing, Samsung has not requested that Apple substantially complete its production  
23 of the documents and things that are the subject of Samsung’s motion to compel by any date  
24 certain. During the parties’ December 7, 2011, meet-and-confer call, Samsung specifically  
25 declined to set any deadlines for substantial completion, instead stating that Samsung wanted to  
26 know that Apple was working diligently to search for and produce the requested information.  
27 Even Samsung’s December 10, 2011, letter to Apple listing thirteen items Samsung believed were  
28

1 “ripe for lead-counsel meet-and-confer” did not include any request that Apple substantially  
2 complete its production of the listed items by any particular point in time.

3 5. Apple produced documents from the *Apple v. Motorola* cases as requested by  
4 Samsung, on November 23, 2011 in the ITC 796 action, and again on December 1, 2011 in the  
5 N.D. Cal. action. The production was approximately 990 documents numbering approximately  
6 45,000 pages. Shortly after the production was made, Samsung identified a document that  
7 appeared to have redactions of Apple confidential information rather than third party confidential  
8 information. Apple immediately located a properly redacted copy and produced it on December  
9 8, 2011.

10 6. On December 11, 2011, Samsung identified four items it believed may have been  
11 missing from the *Apple v. Motorola* production. First, Samsung requested the witness statement,  
12 testimony, and cross-examination of John Elias. Upon investigation, I was informed by counsel  
13 for Apple in the *Motorola* cases that [REDACTED]

14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

26 7. On December 8, 2011, Apple produced ALPNDC-X0000006115 through  
27 APLNDC-X0000006144, which were the documents attached as Exhibit 8 to the Declaration of  
28 Erik J. Olson in Support of Apple’s Opposition to Samsung’s Motion to Compel, dated

1 October 31, 2011. These documents were not marked with any confidentiality designation when  
2 produced.

3 8. During the parties' December 7, 2011, meet-and-confer call, Apple informed  
4 Samsung that it would be producing source code for the Mac OS 10.0 operating system, an Apple  
5 computer capable of running it, and source code for the SuperClock system, on or about  
6 December 15, 2011.

7 9. On or about December 15, 2011, Apple will produce at Morrison & Foerster's Palo  
8 Alto office the following items for Samsung's inspection:

- 9 • An Apple computer specially configured and adapted to run the 10 year old Mac  
10 OS 10.0 operating system.
- 11 • Portions of the Mac Operating System 10.0 and 10.1 operating system source code  
12 believed to relate to the functions described in Samsung's motion.
- 13 • Portions of the Mac Operating System 7.5—more than 15 years old—believed to  
14 correspond to the [REDACTED]  
15 [REDACTED]

16 10. Apple's attorneys have been diligently meeting and following up with the Industrial  
17 Design team about the design discovery items Samsung's seeks.

18 11. During the parties' December 7, 2011, meet-and-confer call, Apple advised Samsung  
19 that [REDACTED]

20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]  
26 [REDACTED]

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[REDACTED]

14. Apple has agreed and already explained to Samsung that it will produce the CAD files showing the final design of the Apple Cinema Display.

15. Many months ago, Apple produced to Samsung *all* CAD files relating to the original iPhone project. Pursuant to the Court’s order, Apple re-produced the CAD data to Samsung via an escrow facility at the end of September. The data contains a CAD drawing of [REDACTED]

[REDACTED] Apple has no additional CAD files to produce relating to the original iPhone, and Apple has already agreed to take additional steps [REDACTED]

16. Apple has agreed to conduct a reasonable search for [REDACTED]

17. Apple has already stipulated that the [REDACTED]

Attached as Exhibits A & B

1 D504,889. [REDACTED]

2 [REDACTED]

3 18. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 19. [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 20. Apple has agreed to supplement its responses to Interrogatory No. 1.

13 21. Apple has agreed to produce final CAD files for each item of purported prior art  
14 sought by Samsung in its motion. [REDACTED] if CAD is no longer available  
15 Apple will produce documents sufficient to show what it looked like. The parties have not  
16 specifically discussed any additional items that Samsung believes it has good reason to request of  
17 Apple regarding that alleged prior art. Samsung clarified in meet-and-confer communications  
18 that it is only seeking information regarding the external appearance of these displays.

19 22. In a letter dated November 8, 2011, Samsung asked Apple to produce “all documents  
20 related to Apple Cinema Display, including but not limited to notebooks, diagrams, progress  
21 reports, studies, internal memoranda, contracts for services, and communications created or used  
22 in connection with the design of Apple Cinema Display, as well as any related models or  
23 prototypes.” Apple responded on November 10, 2011, asserting its disagreement that the Apple  
24 Cinema Display monitor is prior art, and stating further that Samsung’s “request for ‘all  
25 documents related to’ the monitor is overbroad and unduly burdensome given the alleged  
26 relevance of the device.”

27 23. Apple will add [REDACTED] to its search term list applied to all Industrial Design  
28 inventors and produce any relevant information located in that search.

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24. Apple has already: [REDACTED]

[REDACTED]

25. Samsung deposed [REDACTED]

[REDACTED]

26. On November 8, 2011, Apple received a letter from Samsung stating that it had

[REDACTED]

27. During the December 7, 2011 meet-and-confer call, Apple advised Samsung that Apple will add [REDACTED] to its list of search terms applied to the documents of all Industrial Design inventors and produce any relevant, responsive documents located as a result of that search. Apple will also search for the term [REDACTED] in Apple's physical model archive database to confirm that no additional models are located elsewhere.

1 28. In a November 8, 2011 letter, Samsung asserted, [REDACTED]  
2 [REDACTED]  
3 requested that Apple produce [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED] Apple responded on November 10, stating that although it is [REDACTED] d  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]

11 29. Apple will add the terms [REDACTED] [REDACTED] to Apple's list of search terms applied to  
12 Industrial Design inventor documents, and produce all relevant, responsive documents located as  
13 a result of that search. Apple will also run the terms [REDACTED] in its physical model  
14 archive database to confirm that no additional models are located elsewhere.

15 30. [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]

21 31. Under the terms of the production of the models, which Samsung accepted,  
22 Samsung's representatives were permitted to take photographs of the models, but the memory  
23 cards containing the photos were to be provided to Apple counsel. Apple subsequently produced  
24 high quality copies of these photographs to Samsung, with proper confidentiality designations and  
25 Bates numbers in the file format agreed by the parties.

26 32. [REDACTED]  
27 [REDACTED]  
28 [REDACTED]



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33. Apple has already produced excerpts of sketchbooks of designers involved in the original iPhone and tablet projects that are the subject of the asserted hardware design patents.

34. Apple has not refused to produce deposition transcripts that are relevant to this case. For the inventors of the patents in suit, it has already produced prior testimony that bears a technological nexus to the patents at issue in this case. It is willing to produce similar transcripts for other deponents. Apple is involved in consumer class actions, employment cases, antitrust, and even personal-injury cases. Even for patent disputes, the patents at issue are often unrelated to the patents here. Apple's dispute with Kodak, for example, involves digital imaging patents.

35. Samsung has asserted during the parties' meet and confer sessions that it is entitled to prior deposition transcripts in a broad range of case types due to the potential impeachment value of those transcripts.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15th day of December, 2011 at San Francisco, California.

/s/ Mia Mazza  
Mia Mazza

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**ATTESTATION OF E-FILED SIGNATURE**

I, Richard S.J. Hung, 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 Mia Mazza has concurred in this filing.

Dated: December 15, 2011

/s/ Richard S.J. Hung  
Richard S.J. Hung