

Exhibit A

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE, INC.,) CV-11-1846-LHK
)
PLAINTIFF,) SAN JOSE, CALIFORNIA
)
VS.)
) SEPTEMBER 28, 2011
SAMSUNG ELECTRONICS CO.,)
LTD., ET AL,)
) PAGES 1-87
DEFENDANT.)

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE PAUL S. GREWAL
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

FOR THE PLAINTIFF: MORRISON FOERSTER
BY: WESLEY OVERSON
RICHARD HUNG
MINN CHUNG
MICHAEL JACOBS
425 MARKET STREET
SAN FRANCISCO, CA 94105

FOR THE DEFENDANT: QUINN EMANUEL
BY: VICTORIA MAROULIS
BRETT ARNOLD
KEVIN JOHNSON
555 TWIN DOLPHIN DRIVE, 5TH FL
REDWOOD SHORES, CA 94065

OFFICIAL COURT REPORTER: SUMMER FISHER, CSR, CRR
CERTIFICATE NUMBER 13185

1 AND FRANKLY, YOU KNOW, I THINK I TOOK THE
2 FIRST DEPOSITION IN THE CASE WHERE I DEPOSED
3 MR. LUTTON WHO IS A FORMER PATENT COUNSEL AT APPLE.
4 AND I ASKED MR. LUTTON ABOUT DOCUMENT COLLECTION
5 AND, YOU KNOW, WHETHER THE RIGHT THING WAS DONE,
6 AND I WAS CONFRONTED WITH A WORK PRODUCT AND
7 ATTORNEY/CLIENT PRIVILEGE OBJECTION, SO I NEVER GOT
8 INTO IT AND I NEVER UNDERSTOOD.

9 SO TO HEAR APPLE SAY NOW THAT THEY WANT
10 THE PROCESS TO BE TRANSPARENT IS AGAIN, THAT DIDN'T
11 COME UP IN THE MEET AND CONFER PROCESS I ATTENDED
12 UNTIL THIS VERY HEARING.

13 I'M SORRY TO SAY THAT. I AGREE WITH YOU,
14 WE NEED TO DO A BETTER JOB OF MEET AND CONFERRING
15 AND I THINK A LOT OF THIS IS TIED TO THE SCHEDULE
16 THAT EVERYONE HAS BEEN UNDER.

17 SO ONCE WE GET BEYOND THE PRELIMINARY
18 INJUNCTION MOTION ON THE 13TH, HOPEFULLY THIS GETS
19 BACK TO A NORMAL CASE IN SOME RESPECTS AND WE CAN,
20 YOU KNOW, WE CAN AVOID THESE KINDS OF HEARINGS WITH
21 YOUR HONOR AND TRY TO RESOLVE THESE THINGS WHICH IS
22 WHAT WE WERE TRYING TO DO ON THE 16TH.

23 THE COURT: ALL RIGHT.

24 MS. MAROULIS, YOU WERE SAYING?

25 MS. MAROULIS: EXCELLENT. I'M GLAD

1 MR. JOHNSON CLARIFIED THAT MEET AND CONFER ISSUE
2 BECAUSE I WAS NOT THERE.

3 I WAS ANSWERING YOUR HONOR'S SPECIFIC
4 QUESTIONS ABOUT COLLECTION PROCESS, IF THERE'S
5 ANYTHING ELSE YOUR HONOR WOULD LIKE TO ADDRESS, WE
6 CAN DO THAT.

7 SO THAT'S WITH RESPECT TO THE DESIGN
8 DOCUMENTS, RIGHT? THERE'S A BODY OF DESIGN
9 DOCUMENTS. WE PRODUCED A HUGE NUMBER OF THEM.
10 APPLE IS LOOKING FOR SPECIFIC DOCUMENTS OF ALLEGED
11 COPYING.

12 THROUGH OUR SEARCH WE HAVEN'T FOUND ANY.
13 IF WE FIND ANY OTHER TIME OF COURSE IT WOULD BE
14 PRODUCED AND SUPPLEMENTED BECAUSE THAT'S THE
15 PARTIES OBLIGATION.

16 THE OTHER CATEGORIES OF DOCUMENTS ARE
17 BROADLY MARKETING AND CONSUMER SURVEYS. AND AGAIN,
18 WITH RESPECT TO THESE CATEGORIES, WE HAVE SEARCHED
19 THE RELEVANT FILES AND PRODUCED AN ENORMOUS NUMBER
20 OF DOCUMENTS RANGING FROM MARKET SHARE TO MARKETING
21 PRESENTATIONS TO COMPETITIVE ANALYSIS, WHO IS OUR
22 COMPETITION, WHAT YOU SHOULD BE TARGETING,
23 MARKETING SURVEYS AS WELL.

24 SO THERE ARE TWO DIFFERENT REQUESTS. ONE
25 IS MARKETING AS A WHOLE, THE OTHER IS CONSUMER

1 SURVEYS.

2 SO CONSUMER SURVEYS WAS A CONTESTED
3 TOPIC, WE THOUGHT IT WAS NOT RELEVANT IN THIS
4 INSTANCE, WE THOUGHT RATHER THAN FIGHT IT JUST
5 PRODUCE IT SO WE DID. WE ARE SURPRISED TO SEE THAT
6 IN THE MOTION TO COMPEL.

7 AND AGAIN WITH DESIGN DOCUMENTS WE
8 BELIEVE THESE DOCUMENTS HAVE BEEN PRODUCED.

9 NOW THE DOCUMENTS OF CONFUSION, THE LAST
10 CATEGORY, IS A CONTESTED TOPIC STILL BECAUSE WE
11 DON'T THINK THOSE DOCUMENTS ARE RELEVANT IN THE PI
12 TEXT.

13 IT IS TRUE THAT BROADLY SPEAKING APPLE
14 HAS TRADEMARK CLAIMS IN THIS CASE, BUT THEY CHOSE
15 TO NOT MOVE ON TRADEMARK CLAIMS. THEY CHOSE TO
16 MAKE THE PI MOTION SOLELY ABOUT PATENT INFRINGEMENT
17 ANALYSIS.

18 THE COURT: EVEN THOUGH IT'S PRETTY CLEAR
19 JUDGE KOH UNDERSTOOD TRADEMARKS WERE GOING TO BE AN
20 ISSUE IN THE PI MOTION, CORRECT?

21 MS. MAROULIS: THEY MADE IT SOUND TO
22 JUDGE KOH THAT TRADEMARK WAS GOING TO BE PART OF
23 IT, CORRECT.

24 WHEN SEE THAT IT WAS ONLY PATENT
25 INFRINGEMENT ALLEGATIONS, SO WE FOCUSED OUR EFFORTS

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CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT
REPORTER OF THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH
FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY
CERTIFY:

THAT THE FOREGOING TRANSCRIPT,
CERTIFICATE INCLUSIVE, CONSTITUTES A TRUE, FULL AND
CORRECT TRANSCRIPT OF MY SHORTHAND NOTES TAKEN AS
SUCH OFFICIAL COURT REPORTER OF THE PROCEEDINGS
HEREINBEFORE ENTITLED AND REDUCED BY COMPUTER-AIDED
TRANSCRIPTION TO THE BEST OF MY ABILITY.

SUMMER A. FISHER, CSR, CRR
CERTIFICATE NUMBER 13185