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11 Attorneys for Plaintiff and  
 12 Counterclaim-Defendant APPLE INC.

14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA  
 16 SAN JOSE DIVISION

17 APPLE INC.,  
 18 Plaintiff,  
 19 v.  
 20 SAMSUNG ELECTRONICS CO., LTD., A  
 Korean business entity; SAMSUNG  
 21 ELECTRONICS AMERICA, INC., a New York  
 corporation; SAMSUNG  
 22 TELECOMMUNICATIONS AMERICA, LLC, a  
 Delaware limited liability company.,  
 23 Defendants.  
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Case No. 11-cv-01846-LHK (PSG)  
**DECLARATION OF HAROLD J.  
 MCELHINNY IN SUPPORT OF  
 APPLE'S MOTION FOR  
 PROTECTIVE ORDER  
 REGARDING SAMSUNG'S FIRST  
 RULE 30(B)(6) DEPOSITION  
 NOTICE**

1 I, HAROLD J. McELHINNY, declare as follows:

2 1. I am a partner in the law firm of Morrison & Foerster LLP, counsel for Apple Inc.  
3 (“Apple”). I am licensed to practice law in the State of California. I have personal knowledge of  
4 the matters stated herein or understand them to be true from members of my litigation team. I  
5 make this Declaration in support of Apple’s Motion for Protective Order Regarding Samsung’s  
6 First Rule 30(b)(6) Deposition Notice.

7 2. I am co-lead trial counsel for Apple in this action.

8 3. On January 5, 2012, I met in person with Charles Verhoeven of Quinn, Emanuel,  
9 Urquhart & Sullivan, lead trial counsel for Samsung in this matter. We, along with several others  
10 from each firm, met for approximately three hours to discuss outstanding discovery items. The  
11 parties exchanged agendas in advance of the meeting. Attached hereto as Exhibit A is a true and  
12 correct copy of the agenda provided to Samsung by Apple on January 3, 2012. Attached hereto  
13 as Exhibit B is a true and correct copy of the agenda provided to Apple by Samsung on January 4,  
14 2012. During the three-hour meeting, the parties discussed all of the items on both parties’  
15 agendas.

16 4. During the January 5th meeting, the parties discussed Samsung’s First Rule  
17 30(b)(6) Deposition Notice to Apple. Apple stated that Samsung should withdraw the notice and  
18 issue a new one covering a more reasonable scope of topics. Samsung did not agree to withdraw  
19 its notice.

20 5. Mr. Verhoeven and I concurred that the meet-and-confer requirement had been  
21 satisfied with respect to Samsung’s First Rule 30(b)(6) Deposition Notice.

22 I declare under penalty of perjury that the foregoing is true and correct. Executed this  
23 10th day of January, 2012, at San Francisco, California.

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/s/ Harold J. McElhinny  
Harold J. McElhinny

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**ATTESTATION OF E-FILED SIGNATURE**

I, Michael A. Jacobs, 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 Harold J. McElhinny has concurred in this filing.

Dated: January 10, 2012

/s/ Michael A. Jacobs  
Michael A. Jacobs