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

WILLIAM F. LEE (*pro hac vice*)  
william.lee@wilmerhale.com  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
60 State Street  
Boston, Massachusetts 02109  
Telephone: (617) 526-6000  
Facsimile: (617) 526-5000

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

*Attorneys for Plaintiff and Counterclaim-Defendant Apple Inc.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

APPLE INC., a California corporation,

Plaintiff,

vs.

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

Defendant.

Civil Action No. 11-CV-01846-LHK

**DECLARATION OF JOSEPH J. MUELLER IN SUPPORT OF APPLE INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

1 SAMSUNG ELECTRONICS CO., LTD., a  
2 Korean business entity, SAMSUNG  
3 ELECTRONICS AMERICA, INC., a New  
4 York corporation, and SAMSUNG  
5 TELECOMMUNICATIONS AMERICA,  
6 LLC, a Delaware limited liability company, a  
7 California corporation,

8 Counterclaim-Plaintiffs,

9 v.

10 APPLE INC., a California corporation,

11 Counterclaim-Defendant.

12 I, Joseph J. Mueller, hereby declare that:

13 1. I am a partner at the law firm of Wilmer Cutler Pickering Hale and Dorr, LLP,  
14 and counsel for Apple Inc. (“Apple”) in the above-entitled action.

15 2. Attached as **Exhibit 1** is a true and correct copy of the document produced as  
16 APLNDC-WH-A 0000022804, the “Statutes of the European Telecommunications Standards  
17 Institute Version approved by General Assembly #01 on 29-30 March 1988.”

18 3. Attached as **Exhibit 2** is a true and correct copy the document produced as  
19 APLNDC-WH-A 0000012542, Annex 6 to the ETSI Rules of Procedure, the ETSI Intellectual  
20 Property Rights Policy, adopted on November 18, 1997.

21 4. Attached as **Exhibit 3** is a true and correct copy of the document produced as  
22 APLNDC-WH-A 0000011943, Revised Minutes for 3GPP TSG-RAN WG1 24<sup>th</sup> Meeting,  
23 TSGR1-02-0628, which refer throughout to communications among the group using the “email  
24 reflector.”  
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1           5.       Attached as **Exhibit 4** is a true and correct copy of the document produced as  
2 APLNDC-WH-A 0000013077, US Patent No. 7,386,001, “Apparatus and Method for Channel  
3 Coding and Multiplexing in CDMA Communication System.”  
4

5           6.       Attached as **Exhibit 5** is a true and correct copy of the document produced as  
6 APLNDC-WH-A 0000009375, Samsung’s IPR Information Statement and Licensing  
7 Declaration, Sept. 19, 2003.  
8

9           7.       Attached as **Exhibit 6** is a true and correct copy the document produced as  
10 APLNDC-WH-A 0000009991, an email from Beongjo Kim to 3GPP TSG RAN WG1 regarding  
11 “AH04: Missing multiplexing rules” (June 29, 1999, 16:20).  
12

13           8.       Attached as **Exhibit 7** is a true and correct copy the document produced as  
14 APLNDC-WH-A 0000009980, an email from Beongjo Kim to 3GPP TSG RAN WG1 regarding  
15 “AH4: Text proposal with Tdoc number (99-892)” (July 9, 1999, 8:23).  
16

17           9.       Attached as **Exhibit 8** is a true and correct copy of the document produced as  
18 APLNDC-WH-A0000022854, a screenshot of the 3GPP website showing RP meeting numbers  
19 associated with each version of TS 25.212.  
20

21           10.      Attached as **Exhibit 9** is a true and correct copy of the document produced as  
22 APLNDC-WH-A0000022943, a screenshot of the 3GPP website showing the dates on which  
23 particular RP meetings were held.  
24

25           11.      Attached as **Exhibit 10** is a true and correct copy of the document produced as  
26 APLNDC-WH-A 0000018113, US Patent No. 7,362,867, “Apparatus and Method for  
27 Generating Scrambling Code In UMTS Mobile Communication System.”  
28

1           12.     Attached as **Exhibit 11** is a true and correct copy of the document produced as  
2 APLNDC-WH-A 0000012263, an email from Jaeyoel Kim to 3GPP TSG RAN WG1 regarding  
3 “AH10: Tdoc for multiple-scrambling code” (July 8, 1999, 2:11).  
4

5           13.     Attached as **Exhibit 12** is a true and correct copy of the document produced as  
6 APLNDC-WH-A 0000010006, the Draft Minutes for 3GPP RAN-TSG 6<sup>th</sup> WG1 Meeting,  
7 TSGR1-A58/99.  
8

9           14.     Attached as **Exhibit 13** are true and correct copies documents produced as  
10 APLNDC-WH-A 0000012243, APLNDC-WH-A 0000012255 and APLNDC-WH-A  
11 0000012246 which are three emails from Jaeyoel Kim to 3GPP TSG RAN WG1 regarding  
12 “AH10: R1-99915 Multiple scrambling code” (Aug. 11, 1999, 8:44; July 22, 1999, 15:01; and  
13 August 12, 1999, 18:37).  
14

15           15.     Attached as **Exhibit 14** are true and correct copies documents produced as  
16 APLNDC-WH-A 0000012258 and APLNDC-WH-A 0000012262 which are an email and its  
17 attachment from Jaeyoel Kim to 3GPP TSG RAN WG1 regarding “AH10, R1-99b59 multiple  
18 scrambling code” (Aug. 26, 1999, 1:08 KST).  
19

20           16.     Attached as **Exhibit 15** is a true and correct copy of the document produced as  
21 APLNDC-WH-A 0000010064, the Revised Minutes for 3GPP RAN-TSG 7<sup>th</sup> WG1 Meeting,  
22 TSGR1#8(99)g43.  
23

24           17.     Attached as **Exhibit 16** is a true and correct copy of the document produced as  
25 APLNDC-WH-A 0000022857, a screenshot of the 3GPP website showing RP meeting numbers  
26 associated with each version of TS 25.213.  
27  
28

1           18.     Attached as **Exhibit 17** is a true and correct copy of the document produced as  
2 APLNDC-WH-A 0000014034, U.S. Patent No. 7,050,410, “Apparatus and Method for  
3 Controlling a Demultiplexer and a Multiplexer Used for Rate Matching in a Mobile  
4 Communication System.”  
5

6           19.     Attached as **Exhibit 18** is a true and correct copy of the document produced as  
7 APLNDC-WH-A 0000010281, an email from Min Goo Kim to 3GPP TSG RAN WG1 regarding  
8 “AH04 & AH05: Proposal of unified rate matching scheme” (July 8, 1999, 19:43).  
9

10          20.     Attached as **Exhibit 19** are true and correct copies of documents produced as  
11 APLNDC-WH-A 0000010279 and APLNDC-WH-A 0000010708 which are an email and its  
12 attachment from Min Goo Kim to 3GPP TSG RAN WG1 regarding “AH04 & AH05 Tdoc 919:  
13 Unified rate matching scheme” (July 10, 1999, 16:21).  
14

15          21.     Attached as **Exhibit 20** is a true and correct copy of the document produced as  
16 APLNDC-WH-A 0000010518, a Samsung Proposal, “Text Proposal for Turbo codes and rate  
17 matching in TS 25.212, TS 25.222 (rev. of R1-99d56), TSGR1#7 (99)d84.  
18

19          22.     Attached as **Exhibit 21** is a true and correct copy of the document produced as  
20 APLNDC-WH-A 0000016618, U.S. Patent No. 6,928,604, “Turbo Encoding/Decoding Device  
21 and Method for Processing Frame Data According to QOS.”  
22

23          23.     Attached as **Exhibit 22** is a true and correct copy of the document produced as  
24 APLNDC-WH-A 0000011302, an Ericsson Proposal, “Transport block concatenation and code  
25 block segmentation,” TSGR1#7 (99)b32.  
26  
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1           24.     Attached as **Exhibit 23** is a true and correct copy of the document produced as  
2 APLNDC-WH-A 0000010046, an Ericsson Proposal, “Text proposal for 25.212,” TSGR1#7  
3 (99)d76.

4  
5           25.     Attached as **Exhibit 24** is a true and correct copy of certain deposition testimony  
6 in this matter from Hyeon-Woo Lee, pages 11-18 of the transcript.

7           26.     Attached as **Exhibit 25** is a true and correct copy of the document produced as  
8 APLNDC-WH-A 0000018762, U.S. Patent No. 7,675,941, “Method and Apparatus for  
9 Transmitting/Receiving Packet Data Using Pre-Defined Length Indicator in a Mobile  
10 Communication System.”

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12           27.     Attached as **Exhibit 26** is a true and correct copy of the document produced as  
13 APLNDC-WH-A 0000009442, Samsung’s “IPR Information Statement and Licensing  
14 Declaration,” August 7, 2007.

15  
16           28.     Attached as **Exhibit 27** is a true and correct copy of the document produced as  
17 APLNDC-WH-A 0000008857, the approved Minutes of the 47 TSG-RAN WG2 Meeting, R2-  
18 052063.

19  
20           29.     Attached as **Exhibit 28** is a true and correct copy of the document produced as  
21 APLNDC-WH-A 0000009356, the participants list from the 47 TSG-RAN WG2 Meeting.

22           30.     Attached as **Exhibit 29** is a true and correct copy of the document produced as  
23 APLNDC-WH-A 0000022862, a screenshot of the 3GPP website showing RP meeting numbers  
24 associated with each version of TS 25.322.  
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1           31. Attached as **Exhibit 30** is a true and correct copy of the document produced as  
2 APLNDC-WH-A 0000017615, U.S. Patent No. 7,200,792, “Interleaving Apparatus and Method  
3 for Symbol Mapping in an HSDPA Mobile Communication System.”  
4

5           32. Attached as **Exhibit 31** is a true and correct copy of the document produced as  
6 APLNDC-WH-A 0000009482, Samsung’s IPR Information Statement and Licensing  
7 Declaration, July 24, 2008.  
8

9           33. Attached as **Exhibit 32** is a true and correct copy of the document produced as  
10 APLNDC-WH-A 0000011411, a Samsung Proposal, “Enhanced Symbol Mapping method for  
11 the modulation of Turbo-coded bits based on bit priority,” 12A010044.  
12

13           34. Attached as **Exhibit 33** is a true and correct copy of the document produced as  
14 APLNDC-WH-A 0000011441, the approved report of the joint TSG-RAN WG1/WG2 meeting  
15 on HSDPA, 12A010045.  
16

17           35. Attached as **Exhibit 34** is a true and correct copy of the document produced as  
18 APLNDC-WH-A 0000010870, the approved Report of 3GPP TSG RAN WG1 #38, R1-041469.  
19

20           36. Attached as **Exhibit 35** is a true and correct copy of the document produced as  
21 APLNDC-WH-A 0000011834, a Siemens, Motorola, Samsung Proposal, “Text Proposal for Bit  
22 Distribution unit for HS-DSCH,” Tdoc R1-02-0444.  
23

24           37. Attached as **Exhibit 36** is a true and correct copy of the document produced as  
25 APLNDC-WH-A 0000015619, U.S. Patent No. 7,447,516, “Method and Apparatus for Data  
26 Transmission in a Mobile Telecommunication System Supporting Enhanced Uplink Service.”  
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1           38.     Attached as **Exhibit 37** is a true and correct copy of the document produced as  
2 APLNDC-WH-A 0000009415, Samsung's IPR Information Statement and Licensing  
3 Declaration, May 16, 2006.

4  
5           39.     Attached as **Exhibit 38** are true and correct copies of the documents produced as  
6 APLNDC-WH-A 0000010791 and APLNDC-WH-A 0000010862, an email and attachment from  
7 Juho Lee to 3GPP TSG RAN WG1 regarding "Another set of Samsung contributions on  
8 enhanced uplink," (Aug. 12, 2004, 16:10).

9  
10          40.     Attached as **Exhibit 39** are true and correct copies of the documents produced as  
11 APLNDC-WH-A 0000010793 and APLNDC-WH-A 0000010864, an email and attachment from  
12 Juho Lee to 3GPP TSG RAN WG1 regarding "A set of Samsung contributions on enhanced  
13 uplink," (Aug. 12, 2004, 11:24).

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15          41.     Attached as **Exhibit 40** is a true and correct copy of the document produced as  
16 APLNDC-WH-A 0000011016, the approved report of 3GPP TSG RAN WG1 #40 in Scottsdale,  
17 R1-050369.

18  
19          42.     Attached as **Exhibit 41** is a true and correct copy of the document produced as  
20 APLNDC-WH-A 0000011085, the approved report of 3GPP TSG RAN WG1 #40bis in Beijing,  
21 R1-050574.

22          43.     Attached as **Exhibit 42** is a true and correct copy of the document produced as  
23 APLNDC-WH-A 0000011139, the approved report of 3GPP TSG RAN WG1 #41 in Athens,  
24 R1-050995.  
25  
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1           44.     Attached as **Exhibit 43** is a true and correct copy of the document produced as  
2 APLNDC-WH-A 0000010855, an email from Juho Lee to 3GPP TSG RAN WG1 regarding “Set  
3 of E-DCH CRs for R1#41,” (May 3, 2005, 00:43).  
4

5           45.     Attached as **Exhibit 44** is a true and correct copy of the document produced as  
6 APLNDC-WH-A 0000010854, an email from Dirk Gerstenberger to 3GPP TSG RAN WG1  
7 regarding “Confirmation of approval of CR 25.214-363 (Tdoc R1-050565).”  
8

9           46.     Attached as **Exhibit 45** is a true and correct copy of the document produced as  
10 APLNDC-WH-A 0000022859, a screenshot of the 3GPP website showing RP meeting numbers  
11 associated with each version of TS 25.214.  
12

13           47.     Attached as **Exhibit 46** is a true and correct copy of the document produced as  
14 SAMNDCA00027538, the “Patent Cross License Agreement Between Samsung Electronics Co.,  
15 Ltd., and Intel Corporation” with an effective date of January 1, 1993.  
16

17           48.     Attached as **Exhibit 47** is a true and correct copy of the document produced as  
18 SAMNDCA00027519, the “Amendment Number 1 to the Patent Cross License Agreement  
19 Between Samsung Electronics Co., Ltd., and Intel Corporation Having an Effective Date of  
20 January 1, 1993” with an Amendment Date of March 18, 2003.  
21

22           49.     Attached as **Exhibit 48** is a true and correct copy of the document produced as  
23 SAMNDCA00027524, “Amendment Number 2 to the Patent Cross License Agreement Between  
24 Samsung Electronics Co., Ltd., and Intel Corporation Having an Effective Date of January 1,  
25 1993” with an Effective Date of July 1, 2004.  
26

27           50.     Attached as **Exhibit 49** is a true and correct copy of *Samsung Electronics Co. Ltd.*  
28 *v. S.A.R.L. Apple France*, Tribunal de Grande Instance, Paris, RG No. 11/58301, Dec. 8, 2011.

1           51.     Attached as **Exhibit 50** is a true and correct copy of *Samsung Electronics Co. v.*  
2 *Apple Inc.*, Court of Milan, General Record No. 45629-1/2011, Dec. 16, 2011.

3  
4           52.     Attached as **Exhibit 51** is a true and correct copy of the document produced as  
5 APLNDC-WH-A 0000009374, Samsung's IPR Licensing Declaration, December 14-18, 1998.

6           53.     Attached as **Exhibit 52** is a true and correct copy of Hearing Transcript, *In the*  
7 *Matter of Certain 3G Wideband Code Division Multiple Access Mobile Handsets and*  
8 *Components Thereof*, Inv. No. 337-TA-601 (ITC July 11, 2008), (APLNDC-WH-A  
9 0000022865).

10  
11           54.     Attached as **Exhibit 53** is a true and correct copy of the document produced as  
12 APLNDC-WH-A 0000022602, Samsung's Re-Amended Defence and Counterclaim filed in  
13 *Telefonaktiebolaget LM Ericsson v. Samsung Electronics UK Limited HC06 C00618*, March 15,  
14 2007.

15  
16           55.     Attached as **Exhibit 54** is a true and correct copy of the Declaration of Professor  
17 Nicolas Molfessis in Support of Apple Inc.'s Opposition to Samsung's Motion to Dismiss  
18 Apple's Counterclaims filed on December 20, 2011 [Dkt. 522].

19  
20           56.     Attached as **Exhibit 55** is a true and correct copy of correspondence with counsel  
21 for Samsung seeking production of the Intel license. This correspondence began on September  
22 7, 2011 and ended on October 3, 2011.

23  
24           57.     Attached as **Exhibit 56** is a true and correct copy of Samsung's Disclosure of  
25 Asserted Claims and Infringement Contentions [Patent L.R. 3-1, 3-2] filed in this action on  
26 September 7, 2011.

1           58.     Attached as **Exhibit 57** is a true and correct copy of Exhibit A to Samsung's  
2 Disclosure of Asserted Claims and Infringement Contentions [Patent L.R. 3-1, 3-2] filed in this  
3 action on September 7, 2011 which relates to the '604 Patent.

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5           59.     Attached as **Exhibit 58** is a true and correct copy of Exhibit B to Samsung's  
6 Disclosure of Asserted Claims and Infringement Contentions [Patent L.R. 3-1, 3-2] filed in this  
7 action on September 7, 2011 which relates to the '410 Patent.

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9           60.     Attached as **Exhibit 59** is a true and correct copy of Exhibit E to Samsung's  
10 Disclosure of Asserted Claims and Infringement Contentions [Patent L.R. 3-1, 3-2] filed in this  
11 action on September 7, 2011 which relates to the '792 Patent.

12           61.     Attached as **Exhibit 60** is a true and correct copy of Exhibit F to Samsung's  
13 Disclosure of Asserted Claims and Infringement Contentions [Patent L.R. 3-1, 3-2] filed in this  
14 action on September 7, 2011 which relates to the '867 Patent.

15  
16           62.     Attached as **Exhibit 61** is a true and correct copy of Exhibit G to Samsung's  
17 Disclosure of Asserted Claims and Infringement Contentions [Patent L.R. 3-1, 3-2] filed in this  
18 action on September 7, 2011 which relates to the '001 Patent.

19  
20           63.     Attached as **Exhibit 62** is a true and correct copy of Exhibit H to Samsung's  
21 Disclosure of Asserted Claims and Infringement Contentions [Patent L.R. 3-1, 3-2] filed in this  
22 action on September 7, 2011 which relates to the '516 Patent.

23  
24           64.     Attached as **Exhibit 63** is a true and correct copy of Exhibit K to Samsung's  
25 Disclosure of Asserted Claims and Infringement Contentions [Patent L.R. 3-1, 3-2] filed in this  
26 action on September 7, 2011 which relates to the '941 Patent.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on January 25, 2012, to all counsel of record who are deemed to have consented to electronic service per Civil Local Rule 5.4.

/s/ Joseph J. Mueller  
Joseph J. Mueller