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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. )  
) JANUARY 19, 2012  
SAMSUNG ELECTRONICS, CO., )  
LTD., ET AL, )  
) PAGES 1-276  
DEFENDANT. )

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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, LLP  
BY: MICHAEL JACOBS  
JASON BARTLETT  
HAROLD MCELHINNY  
MIA MAZZA  
425 MARKET STREET, 34TH FL  
SAN FRANCISCO, CA 94105  
  
FOR THE DEFENDANT: QUINN EMANUEL  
BY: DIANE HUTNYAN  
865 S. FIGUEROA ST., 10TH FL  
LOS ANGELES, CA 90017

(APPEARANCES CONTINUED ON THE NEXT PAGE)

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

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FOR THE PLAINTIFF: WILMER HALE  
BY: MARK SELWYN  
CALVIN WALDEN  
950 PAGE MILL ROAD  
PALO ALTO, CA 94304

FOR THE DEFENDANT: QUINN EMANUEL  
BY: VICTORIA MAROULIS  
RACHEL KASSABIAN  
JOBY MARTIN  
KEN SUH  
SCOTT HALL  
555 TWIN DOLPHIN DRIVE, 5TH FL  
REDWOOD SHORES, CA 94065

ALSO PRESENT: CHRISTOPHER KELLY

1 SAN JOSE, CALIFORNIA

JANUARY 19, 2012

2 P R O C E E D I N G S

3 (WHEREUPON, COURT CONVENEED AND THE  
4 FOLLOWING PROCEEDINGS WERE HELD:)

5 THE COURT: MR. RIVERA, WOULD YOU CALL  
6 THE NEXT MATTER ON THIS MORNING'S CALENDAR.

7 THE CLERK: YES, YOUR HONOR.

8 CALLING APPLE, INC. VERSUS SAMSUNG  
9 ELECTRONICS. CASE NUMBER CV-11-1846.

10 MATTER ON FOR APPLE AND SAMSUNG DISCOVERY  
11 MOTIONS.

12 COUNSEL, PLEASE STATE YOUR APPEARANCES.

13 MR. JACOBS: MICHAEL JACOBS FROM MORRISON  
14 & FOERSTER, YOUR HONOR, FOR APPLE.

15 WITH ME FROM MORRISON & FOERSTER IS  
16 JASON BARTLETT, HAROLD MCELHINNY AND MIA MAZZA AT  
17 COUNSEL TABLE.

18 THE COURT: GOOD MORNING, COUNSEL.

19 MR. WALDEN: GOOD MORNING, YOUR HONOR.

20 FROM WILMER HALE, MARK SELWYN. AND WITH  
21 ME TODAY IS MY PARTNER CALVIN WALDEN ALSO OF WILMER  
22 HALE.

23 THE COURT: GOOD MORNING AS WELL.

24 MS. MAROULIS: GOOD MORNING, YOUR HONOR.

25 VICTORIA MAROULIS, WITH QUINN EMANUEL,

1 ACCUSATION THAT THERE HAS BEEN A VIOLATION OF  
2 YOUR HONOR'S PRIOR ORDERS.

3 IT WAS MENTIONED IN THE BRIEF, IT WAS  
4 MENTIONED JUST NOW BY MR. JACOBS SPECIFICALLY  
5 REGARDING THE MERCY EXTENSION OF TIME THAT WE ASKED  
6 FOR OVER THE CHRISTMAS HOLIDAY.

7 I WANT TO BE CRYSTAL CLEAR ABOUT THAT.  
8 THE ORDER SAID ANY DOCUMENTS THAT SHOULD HAVE BEEN  
9 PRODUCED PURSUANT TO THE SEPTEMBER 28TH ORDER MUST  
10 BE PRODUCED BY DECEMBER 31ST OR THERE MAY BE  
11 SANCTIONS.

12 WE -- ALL OF THE DOCUMENTS THAT WERE  
13 ORDERED PRODUCED BY SEPTEMBER 28TH HAD ALREADY BEEN  
14 PRODUCED PURSUANT TO THAT ORDER IN DECEMBER. THE  
15 POINT OF THAT REQUEST WAS TWO FOLD, THE EXTENSION  
16 REQUEST.

17 ONE, IT WAS BECAUSE AFTER THE PRODUCTION  
18 HAD BEEN MADE PURSUANT TO THE SEPTEMBER 28TH ORDER,  
19 SAMSUNG DISCOVERED A FEW ADDITIONAL CUSTODIANS ON  
20 SURVEYS. AND SO DEPENDING ON HOW YOU READ THAT, IF  
21 YOU'RE BEING VERY CONSERVATIVE, ONE COULD ARGUE  
22 WELL, THOSE ARE SURVEY DOCUMENTS THAT FIT THE  
23 DESCRIPTION OF THE ORDER SO YOU REALLY SHOULD GET  
24 THOSE OUT BY --

25 THE COURT: THAT'S NOT REALLY A CLOSE

1 CALL, IS IT? IT'S NOT BEING CONSERVATIVE, THE  
2 SURVEY SHOULD HAVE BEEN PRODUCED MONTHS BEFORE.

3 MS. KASSABIAN: RIGHT.

4 BUT I'M SAYING THAT DESPITE OUR  
5 INVESTIGATIONS WE FOUND NEW CUSTODIANS.

6 WE DIDN'T WITHHOLD ANYTHING, THERE WERE  
7 JUST WITNESSES THAT CAME TO LIGHT MONTHS LATER. WE  
8 REALIZED THESE PEOPLE HAD TO DO SURVEYS, SO WE  
9 GATHERED THEIR DOCUMENTS WHICH WERE MASSIVE AND WE  
10 BELIEVED THAT THAT WAS GOING TO MAYBE TRICKLE ON  
11 PAST DECEMBER 31ST.

12 SO IT WASN'T THAT THEY WERE WITHHELD, IT  
13 WASN'T THAT GOOD FAITH INVESTIGATION HADN'T  
14 HAPPENED, IT WAS THAT WHEN WE DISCOVERED A COUPLE  
15 ADDITIONAL SURVEY CUSTODIANS, WE INTERPRETED YOUR  
16 ORDER TO SAY THOSE DOCUMENTS SHOULD BE OUT BY  
17 DECEMBER 31ST.

18 IT TURNS OUT WE WERE ABLE TO DO THAT, YOU  
19 KNOW, WITH SOME LATE NIGHTS WE WERE ABLE TO GET  
20 THOSE DOCUMENTS OUT BY THE DECEMBER 22ND ORDER  
21 DEADLINE WHICH WAS NEW YEARS EVE. SO THOSE DID GET  
22 OUT, THERE WAS NO VIOLATION

23 THE COURT: SO YOU ARE STANDING HERE  
24 REPRESENTING TO ME THAT EVERY DOCUMENT SUBJECT TO  
25 MY SEPTEMBER 28TH AND DECEMBER 22ND ORDERS WAS

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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.

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SUMMER A. FISHER, CSR, CRR  
CERTIFICATE NUMBER 13185