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

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

17 APPLE INC., a California corporation,
 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.

Case No. 11-cv-01846-LHK (PSG)

**DECLARATION OF MIA MAZZA
 IN SUPPORT OF APPLE'S
 MOTION TO COMPEL
 DEPOSITIONS OF 14 OF
 SAMSUNG'S PURPORTED
 "APEX" WITNESSES**

Date: February 28, 2012
 Time: 10:00 a.m.
 Place: Courtroom 5, 4th Floor
 Judge: Hon. Paul S. Grewal

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 26 **PUBLIC REDACTED VERSION**
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1 I, Mia Mazza, 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. Unless otherwise indicated, I
4 have personal knowledge of the matters stated herein or understand them to be true from
5 members of my litigation team. I make this Declaration in support of Apple’s Motion to Compel
6 Depositions of 14 of Samsung’s Purported “Apex” Witnesses (“Motion to Compel”).

7 2. Certain of the exhibits to this Declaration consist of Korean-language documents
8 produced by Samsung in this action. To the extent time has permitted, Apple has obtained
9 certified translations of those documents and submits those translations herewith along with each
10 Korean original. With respect to the remaining Korean-language documents attached hereto,
11 Apple has obtained non-certified translations and submits those herewith along with the Korean
12 original.

13 3. Between December 6, 2012, and January 28, 2012, Apple timely served written
14 notices of the 14 depositions at issue here [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 4. Apple served each of the above-referenced deposition notices at least 10 days
19 before the noticed deposition date, and served many of the notices more than 30 days in advance.
20 All depositions were noticed for dates well before the March 8, 2012, discovery cutoff, and were
21 set for dates when Apple’s attorneys would be in Korea taking other depositions in this case.

22 5. Samsung formally objected to some of the 14 depositions at issue in this motion in
23 January 2012, and others on February 2, 2012. Samsung did not always object on the basis that
24 the witnesses were apex employees. Attached hereto as **Exhibit 2** is a true and correct copy of
25 Samsung’s January 13, 2012, objection to the deposition of [REDACTED] Attached hereto as
26 **Exhibit 3** are true and correct copies of Samsung’s January 21 and February 2 notices of
27 objection.
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1 6. On February 3, Samsung’s counsel sent a letter to Apple’s counsel identifying a
2 list of 23 purportedly “high-ranking Samsung executives” whose depositions had been noticed by
3 Apple. Samsung’s letter asserted that “these depositions are highly unlikely to lead to the
4 discovery of relevant information” and claimed that the 23 witnesses have “no relationship to the
5 accused products or the patents-in-suit other than their place atop Samsung’s organization
6 hierarchy.” Attached hereto as **Exhibit 4** is a true and correct copy of this letter. Samsung did
7 not move for a protective order with respect to any of the 23 witnesses at that time.

8 7. The parties held a lead trial counsel meet-and-confer on February 6, 2012. They
9 discussed, among other topics, Samsung’s objections on purported “apex” grounds to the
10 depositions of the 23 witnesses in the February 3 letter. Samsung did not agree to withdraw its
11 objections as to any of the 23 witnesses. Instead, Samsung asked Apple to send a letter providing
12 more information as to why Apple should be permitted to depose the witnesses.

13 8. On February 9th, Apple sent Samsung a thirteen-page letter containing a witness-
14 by-witness summary outlining why Samsung’s objections were meritless. Attached hereto as
15 **Exhibit 5** is a true and correct copy of this letter. The letter discussed each witness’s
16 involvement with key issues in this case and cited to specific documents establishing each
17 witness’s connection to the issues.

18 9. Between February 3 and February 14, 2012, Apple agreed to defer calendaring of
19 six of the depositions to which Samsung was objecting on purported “apex” grounds.

20 10. Attached hereto as **Exhibit 6** is a true and correct copy of Samsung’s response to
21 Apple’s letter of February 9. Apple sent an additional letter to Samsung on February 12 further
22 articulating its position on this issue. Among other things, the letter noted that most of the
23 witnesses at issue in Apple’s Motion to Compel were not apex witnesses. Attached hereto as
24 **Exhibit 7** is a true and correct copy of Apple’s February 12, 2012, letter to Samsung.

25 11. The parties held another lead trial counsel meet-and-confer on February 14 and 15.
26 The parties discussed Samsung’s “apex” objections and Samsung agreed to withdraw its
27 objections to three of the witnesses listed in its February 3, 2012, letter, leaving a total of 14
28 purported “apex” witnesses still in dispute. Samsung refused to produce the remaining 14

1 witnesses for deposition. During that meeting, counsel for Samsung acknowledged Apple’s
2 intent to move to compel the depositions of the remaining 14 purported “apex” witnesses, and
3 stated that Samsung intended to move for a protective order to prevent Apple from deposing those
4 14 witnesses.

5 12. Apple produced (or is scheduled to produce) three of its nine most senior
6 executives—Scott Forstall, Jonathan Ive, and Phil Schiller, the most senior individuals in the iOS
7 Software, Industrial Design, and Marketing groups, respectively.

8 13. Apple also produced, or agreed to produce, many other senior executives, vice
9 presidents, and directors (the same ranks as most of Samsung’s witnesses at issue in this motion)
10 for deposition. This list includes, among others, Michael Tchao, Steve Zadesky, and Henri
11 Lamiroux – Vice Presidents for Product Marketing (iPad), iPod/iPhone Product Design, and
12 Software Engineering (iOS Apps & Frameworks), respectively.

13 [REDACTED]
14 [REDACTED]
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23. Attached hereto as **Exhibit 15** is a true and correct copy of the webpage at <http://english.yonhapnews.co.kr/business/2011/10/19/26/0501000000AEN20111019000200320F.html> from February 15, 2012.

24. Attached hereto as **Exhibit 16** is a true and correct copy of the webpage at <http://www.androidpolice.com/2011/10/20/samsung-decides-galaxy-nexus-was-not-actually-designed-to-avoid-apple-patents-doesnt-know-how-that-rumor-got-started-nothing-to-see-here/> from February 15, 2012.

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53. Apple sought to streamline discovery by requesting 30(b)(6) depositions of Samsung witnesses with knowledge of the accused features, but to date Samsung has only designated four 30(b)(6) witnesses to cover a narrow range of issues.

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[REDACTED]

[REDACTED]

[REDACTED]

I declare under penalty of perjury that the foregoing is true and correct. Executed
February 16, 2012 at San Francisco, California.

/s/ Mia Mazza
Mia Mazza

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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 Mia Mazza has concurred in this filing.

Dated: February 16, 2012

/s/ Michael A. Jacobs
Michael A. Jacobs