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11	Attorneys for Plaintiff and Counterclaim-Defendant APPLE INC.	
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13	UNITED STATES D	ISTRICT COURT
14	NORTHERN DISTRIC	T OF CALIFORNIA
15	SAN JOSE I	DIVISION
16		
17	APPLE INC., a California corporation,	Case No. 11-cv-01846-LHK (PSG)
18	Plaintiff,	DECLARATION OF MIA MAZZA IN SUPPORT OF APPLE'S
19		MOTION TO COMPEL DEPOSITIONS OF 14 OF
20 21	SAMSUNG ELECTRONICS CO., LTD., A Korean business entity; SAMSUNG ELECTRONICS AMERICA, INC., a New York	SAMSUNG'S PURPORTED "APEX" WITNESSES
22	corporation; SAMSUNG TELECOMMUNICATIONS AMERICA, LLC, a	Date: February 28, 2012
23	Delaware limited liability company.,	Time: 10:00 a.m. Place: Courtroom 5, 4th Floor
24	Defendants.	Judge: Hon. Paul S. Grewal
25		
26		
20 27	PUBLIC REDAC	FED VERSION
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20	MAZZA DECL. ISO APPLE'S MOTION TO COMPEL DEPOSITION CASE NO. 11-CV-01846-LHK (PSG)	NS OF 14 OF SAMSUNG'S PURPORTED "APEX" WITNESSES

sf-3107162

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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. 3. 13 Between December 6, 2012, and January 28, 2012, Apple timely served written 14 notices of the 14 depositions at issue here 15 16 17 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 Attached hereto as 26 Exhibit 3 are true and correct copies of Samsung's January 21 and February 2 notices of 27 objection. 28

6. On February 3, Samsung's counsel sent a letter to Apple's counsel identifying a list of 23 purportedly "high-ranking Samsung executives" whose depositions had been noticed by Apple. Samsung's letter asserted that "these depositions are highly unlikely to lead to the discovery of relevant information" and claimed that the 23 witnesses have "no relationship to the accused products or the patents-in-suit other than their place atop Samsung's organization hierarchy." Attached hereto as **Exhibit 4** is a true and correct copy of this letter. Samsung did not move for a protective order with respect to any of the 23 witnesses at that time.

- 7. The parties held a lead trial counsel meet-and-confer on February 6, 2012. They
 discussed, among other topics, Samsung's objections on purported "apex" grounds to the
 depositions of the 23 witnesses in the February 3 letter. Samsung did not agree to withdraw its
 objections as to any of the 23 witnesses. Instead, Samsung asked Apple to send a letter providing
 more information as to why Apple should be permitted to depose the witnesses.
- 8. On February 9th, Apple sent Samsung a thirteen-page letter containing a witnessby-witness summary outlining why Samsung's objections were meritless. Attached hereto as **Exhibit 5** is a true and correct copy of this letter. The letter discussed each witness's
 involvement with key issues in this case and cited to specific documents establishing each
 witness's connection to the issues.
- 9. Between February 3 and February 14, 2012, Apple agreed to defer calendaring of
 six of the depositions to which Samsung was objecting on purported "apex" grounds.

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

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

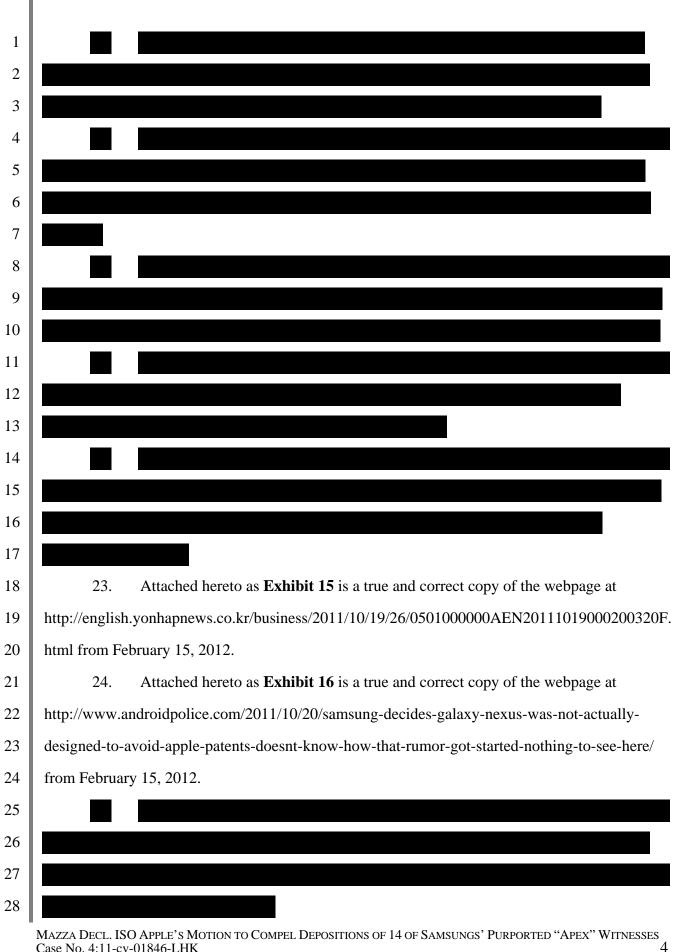
witnesses for deposition. During that meeting, counsel for Samsung acknowledged Apple's
 intent to move to compel the depositions of the remaining 14 purported "apex" witnesses, and
 stated that Samsung intended to move for a protective order to prevent Apple from deposing those
 14 witnesses.

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.

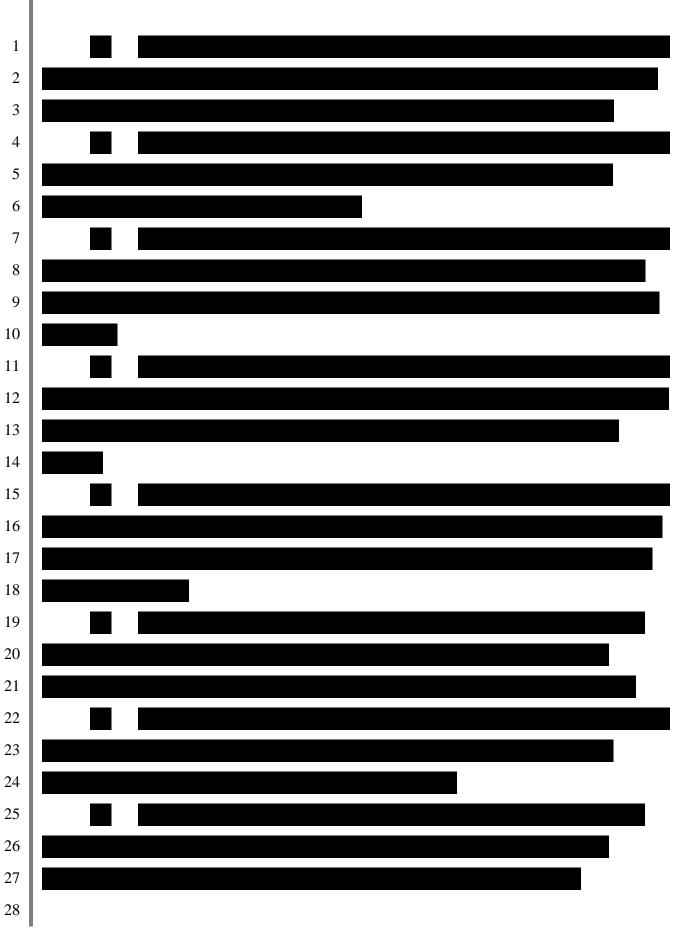
8 13. Apple also produced, or agreed to produce, many other senior executives, vice
9 presidents, and directors (the same ranks as most of Samsung's witnesses at issue in this motion)
10 for deposition. This list includes, among others, Michael Tchao, Steve Zadesky, and Henri
11 Lamiraux – Vice Presidents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



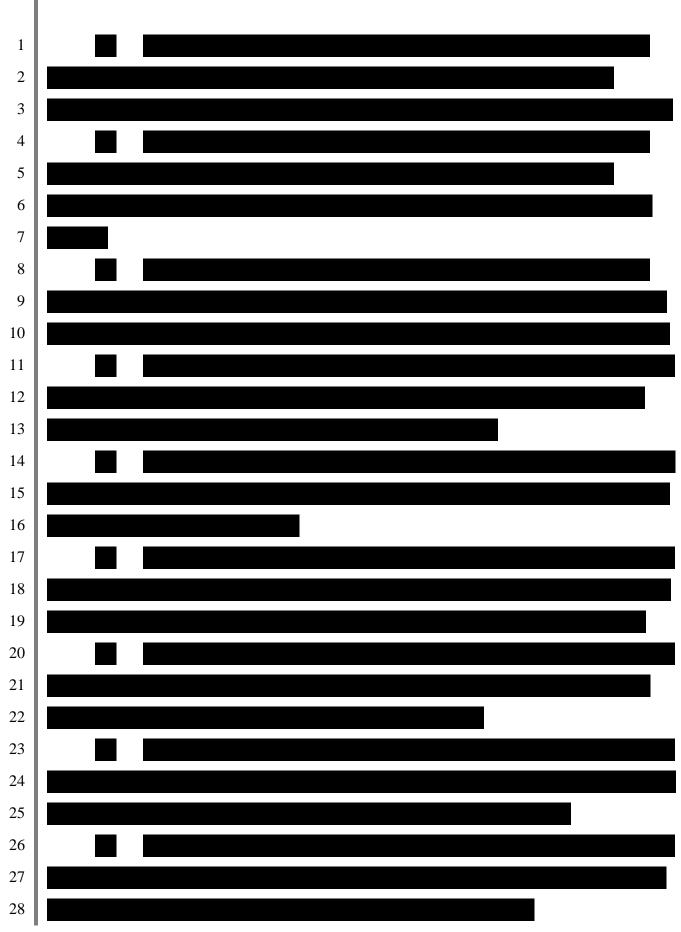
Case No. 4:11-cv-01846-LHK sf-3107162



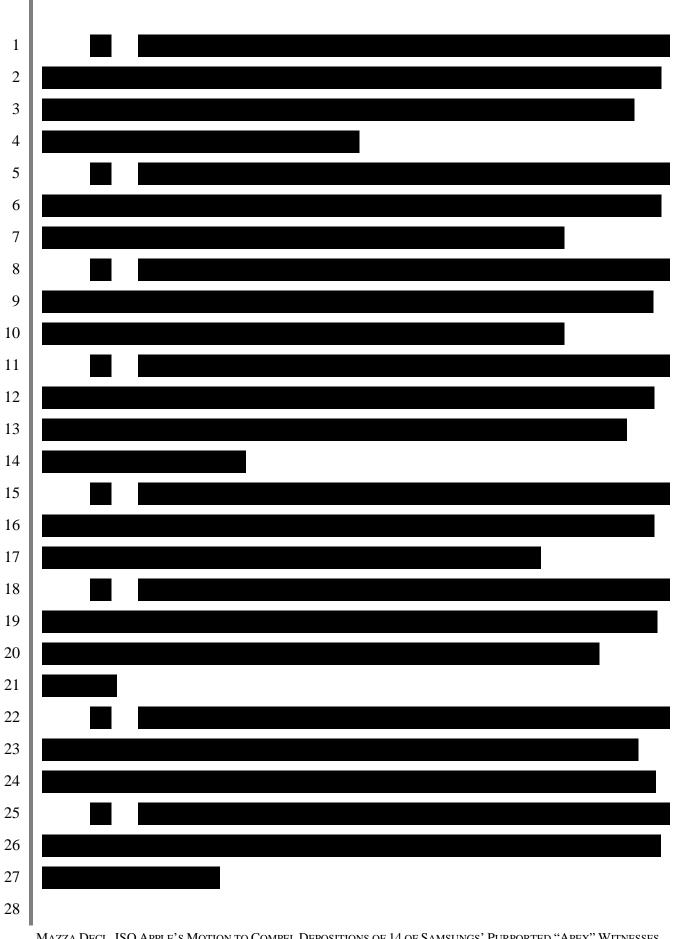
Case No. 4:11-cv-01846-LHK sf-3107162



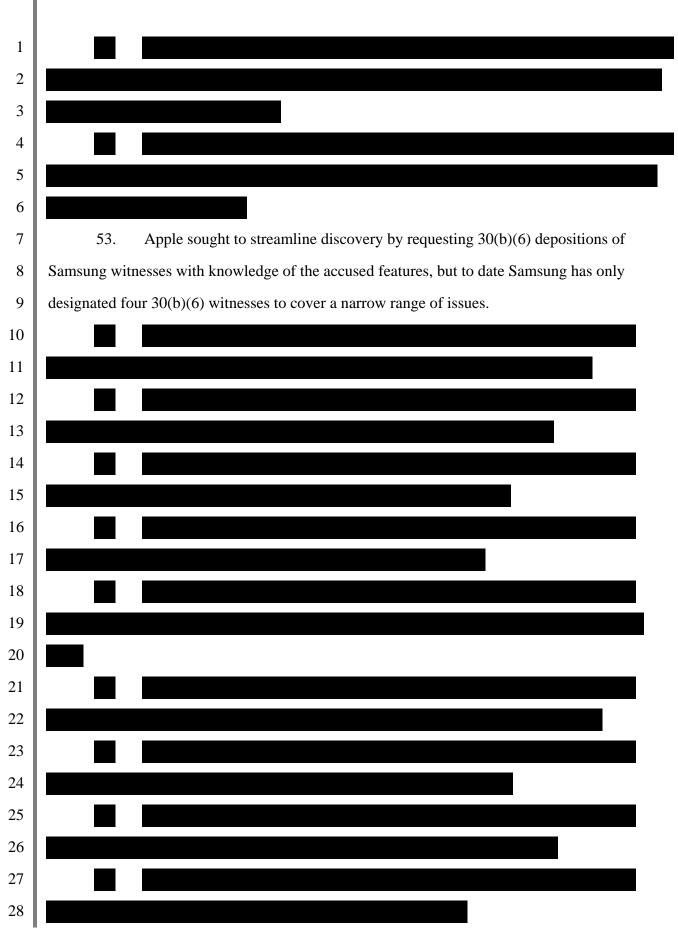
MAZZA DECL. ISO APPLE'S MOTION TO COMPEL DEPOSITIONS OF 14 OF SAMSUNGS' PURPORTED "APEX" WITNESSES Case No. 4:11-cv-01846-LHK 5 sf-3107162



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5	I declare under penalty of perjury that the foregoing is true and correct. Executed
6	February 16, 2012 at San Francisco, California.
7	/s/ Mia Mazza
8	Mia Mazza
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1	ATTESTATION OF E-FILED SIGNATURE		
2	I, Michael A. Jacobs, am the ECF User whose ID and password are being used to file this		
3	Declaration. In compliance with General Order 45, X.B., I hereby attest that Mia Mazza has		
4	concurred in this filing.		
5	Dated: February 16, 2012 /s/ Michael A. Jacobs		
6	Michael A. Jacobs		
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