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 11 Attorneys for Plaintiff and
 Counterclaim-Defendant APPLE INC.

12
 13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN JOSE DIVISION

16
 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.
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Case No. 11-cv-01846-LHK (PSG)

**DECLARATION OF S. CALVIN
 WALDEN 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, S. Calvin Walden, declare as follows:

2 1. I am a partner in the law firm of WilmerHale, counsel for Apple Inc. (“Apple”). I
3 am licensed to practice law in the State of New York, and am admitted *pro hac vice* in this case.
4 Unless otherwise indicated, I have personal knowledge of the matters stated herein or understand
5 them to be true from members of my litigation team. I make this Declaration in support of
6 Apple’s Motion to Compel Depositions of 14 of Samsung’s Purported “Apex” Witnesses
7 (“Motion to Compel”).

8 2. Apple has agreed to make available for deposition its two most senior licensing
9 employees –B.J. Watrous (Vice President & Chief IP Counsel) and Boris Teksler (Director,
10 Patent Licensing & Strategy) – and its former Senior Director of Patents Richard Lutton. The
11 depositions of Mr. Watrous and Mr. Teksler are scheduled on March 8, 2012 and February 21,
12 2012, respectively. The parties are currently discussing a date for Mr. Lutton’s deposition.

13 3. In an effort to identify potential deponents, Apple served Samsung with an
14 interrogatory seeking the names of the five Samsung individuals with the most knowledge about
15 the negotiations for and royalties received under Samsung’s licenses with other parties for UMTS
16 declared-essential patents, Samsung’s IPR disclosure practices, and Samsung’s actions in 3GPP
17 standards setting organizations. Samsung did not provide any names in response. Samsung
18 objected and indicated that its investigation is ongoing, and it would supplement its response.
19 Samsung has not supplemented its response to provide this information.

20 4. Samsung did not begin producing documents relating to licensing and standards
21 topics until after Judge Grewal issued his “Order Re Discovery Motions” on January 27, 2012.

22 5. Attached hereto as **Exhibit 1** is a true and correct copy of a press release from
23 Samsung entitled, “Samsung Electronics and Intellectual Ventures Enter Into License
24 Agreement,” dated November 18, 2010.

25 [REDACTED]

26 [REDACTED]

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11. Attached hereto as **Exhibit 7** is a true and correct copy of the document produced by Apple beginning with Bates number APLNDC00001029, an email chain from October 2010 between Chip Lutton and Seungho Ahn.

12. Attached hereto as **Exhibit 8** is a true and correct copy of the document produced by Apple beginning with Bates number APLNDC00001064, an email dated February 23, 2011 from K.J. Kim to Chip Lutton.

13. Attached hereto as **Exhibit 9** is a true and correct copy of the document produced by Apple beginning with Bates number APLNDC00001065, an email dated March 14, 2011 from Ken Korea to Chip Lutton.

14. Attached hereto as **Exhibit 10** is a true and correct copy of the document produced by Apple beginning with Bates number APLNDC00001066, an email dated April 5, 2011 from Ken Korea to Chip Lutton.

15. Attached hereto as **Exhibit 11** is a true and correct copy of the document produced by Apple beginning with Bates number APLNDC-WH-A 0000009415 a Samsung IPR Information Statement and Licensing Declaration Forms dated May 16, 2006.

16. Attached hereto as **Exhibit 12** is a true and correct copy of the document produced by Samsung beginning with Bates number S-794-ITC-005517177 a Samsung IPR Information Statement and Licensing Declaration Forms dated August 7, 2007.

17. Attached hereto as **Exhibit 13** is a true and correct copy of the document produced by Apple beginning with Bates number APLNDC-WH-A 0000009482 a Samsung IPR Information Statement and Licensing Declaration Forms dated July 24, 2008.

1 18. Attached hereto as **Exhibit 14** is a true and correct copy of the document produced
2 by Samsung beginning with Bates number S-ITC-000062513 a Samsung IPR Information
3 Statement and Licensing Declaration Forms dated July 25, 2006.

4 19. Attached hereto as **Exhibit 15** is a true and correct copy of the document produced
5 by Samsung beginning with Bates number S-794-ITC-005516971 a Samsung IPR Information
6 Statement and Licensing Declaration Forms dated September 15, 2009.

7 20. Attached hereto as **Exhibit 16** is a true and correct copy of the document produced
8 by Samsung beginning with Bates number S-794-ITC-005517233 a Samsung IPR Information
9 Statement and Licensing Declaration Forms dated September 5, 2008.

10 21. Attached hereto as **Exhibit 17** is a true and correct copy of the document produced
11 by Samsung beginning with Bates number S-794-ITC-005517237 a Samsung IPR Information
12 Statement and Licensing Declaration Forms dated December 4, 2009.

13 22. Attached hereto as **Exhibit 18** is a true and correct copy of the document produced
14 by Samsung beginning with Bates number S-794-ITC-005517243 a Samsung IPR Information
15 Statement and Licensing Declaration Forms dated September 21, 2009.

16 23. Attached hereto as **Exhibit 19** is a true and correct copy of the document produced
17 by Samsung beginning with Bates number S-794-ITC-005517315 a Samsung IPR Information
18 Statement and Licensing Declaration Forms dated December 30, 2008.

19 24. Attached hereto as **Exhibit 20** is a true and correct copy of the document produced
20 by Samsung beginning with Bates number S-794-ITC-005517350 a Samsung IPR Information
21 Statement and Licensing Declaration Forms dated January 30, 2008.

22 [REDACTED]
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24 [REDACTED]
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I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this February 16, 2012 at New York, New York.

/s/ S. Calvin Walden
S. Calvin Walden

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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 S. Calvin Walden has concurred in this filing.

Dated: February 16, 2012

/s/ Michael A. Jacobs
Michael A. Jacobs