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 11 Attorneys for Plaintiff and
 Counterclaim-Defendant APPLE INC.

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 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
 REPLY IN SUPPORT OF
 MOTION TO SHORTEN TIME
 FOR BRIEFING AND HEARING
 ON 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

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 Reply in Support
6 of its Motion to Shorten Time For Briefing and Hearing on Apple’s Motion to Compel
7 Depositions of 14 of Samsung’s Purported “Apex” Witnesses (“Motion to Shorten Time”).

8 2. It was not until February 3 that Samsung notified Apple that it was pursuing apex
9 objections to 22 out of 23 witnesses. With one exception, Samsung had asserted boilerplate
10 objections to the 23 witnesses, including boilerplate apex objections for *some* of those witnesses.
11 Samsung then purported to engage with Apple in attempting to schedule those depositions. The
12 sole exception was the head of Samsung Telecommunications America. Samsung sent a letter on
13 January 13 claiming apex protection for this single witness and asking Apple to withdraw his
14 deposition notice. As Apple moved forward to pursue scheduling of the other 22 noticed
15 Samsung witnesses’ depositions, Apple did not pursue scheduling of the head of STA’s
16 deposition. Apple resumed seeking this witness’s deposition only after taking three depositions
17 of lower-level witnesses who failed to provide useful testimony about Samsung’s finances.
18 Samsung gave no comparable notice for any other witness until it sent its February 3 letter. (*See*
19 Declaration of Mia Mazza in Support of Apple’s Motion to Shorten Time (“Mazza Shortening
20 Declaration”) ¶¶ 2–4; Declaration of Mia Mazza in Support of Apple’s Motion to Compel
21 (“Mazza MTC Declaration”) Ex. 5.)

22 3. Apple diligently pursued this issue once Samsung sent its February 3 letter regarding
23 purported apex witnesses. As detailed in the Mazza Shortening Declaration, once Samsung sent
24 its February 3 letter as to the 23 purported apex witnesses, Apple (1) raised the issue at the
25 February 6, lead trial counsel meet and confer, (2) followed up with a detailed thirteen-page letter
26 on February 9 explaining its grounds for deposing those witnesses, and (3) sent an additional
27 letter on February 12. (Mazza Shortening Declaration ¶¶ 5–7; Mazza Compel Declaration Exs. 5,
28

1 7.) Apple then (4) made the issue its highest priority at the February 14 and 15 lead trial counsel
2 meet and confers.

3 4. Apple respectfully seeks to bring its motion on shortened time mindful of the burdens
4 that discovery motions on shortened time place upon this Court and the public. Apple has sought
5 a schedule that would complete the parties' briefing on the apex issue as early as February 20, to
6 allow the Court's clerks substantial time to review the parties' papers in advance of the proposed
7 February 28 hearing date. Apple's proposed schedule does not include a reply brief. Apple
8 advised Samsung of its proposed briefing schedule on February 9, the morning of the 15th, and
9 the morning of the 16th. (Mazza Shortening Declaration ¶¶ 13–15; Mazza MTC Declaration Ex.
10 5.) Samsung never suggested an alternative. On the morning of February 16, Apple notified
11 Samsung that it would propose a hearing date on February 28 rather than February 21, and invited
12 Samsung to propose an alternative briefing schedule. Apple even postponed its filing of its
13 papers from 9:00 a.m. until noon so that it could receive a suggested briefing schedule from
14 Samsung. Samsung, however, declined to propose an alternative schedule. Nor does its
15 Opposition propose an alternative. Attached hereto as **Exhibit A** is a true and correct copy of the
16 February 15 and 16, 2012, email thread in which these communications occurred.

17 5. This Court has shortened time on several prior discovery motions brought by both
18 parties since October 2011. (See Dkt Nos. 287, 332, 350, 477, 499, 538, 566, 688.) Most
19 recently, the Court granted Apple's Motion to Shorten time in connection with a Motion to
20 Compel, and then vacated that Order. (Dkt No. 699.)

21 I declare under penalty of perjury that the foregoing is true and correct. Executed on
22 February 17, 2012, at San Francisco, California.

23 /s/ Mia Mazza

24 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 17, 2012

/s/ Michael A. Jacobs
Michael A. Jacobs