

Exhibit 2

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14 Attorneys for SAMSUNG ELECTRONICS CO.,
LTD., SAMSUNG ELECTRONICS AMERICA,
15 INC. and SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC
16

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION
19

20 APPLE INC., a California corporation,

21 Plaintiff,

22 vs.

23 SAMSUNG ELECTRONICS CO., LTD., a
Korean business entity; SAMSUNG
24 ELECTRONICS AMERICA, INC., a New
York corporation; SAMSUNG
25 TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,

26 Defendant.
27

ASE NO. 11-cv-01846-LHK (PSG)

**DECLARATION OF JOBY MARTIN IN
SUPPORT OF SAMSUNG'S OPPOSITION
TO APPLE'S MOTION TO COMPEL
APEX WITNESSES**

Date: March 27, 2012
Time: 10:00 a.m.
Place: Courtroom 5, 4th Floor
Judge: Hon. Paul S. Grewal

1 I, Joby Martin, declare as follows:

2 1. I am an associate with the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,
3 counsel for Samsung Electronics Co., Ltd., Samsung Electronics America, Inc. and Samsung
4 Telecommunications America, LLC (collectively, "Samsung"). I submit this declaration in
5 support of Samsung's Opposition to Apple's Motion to Compel Apex Witnesses ("Samsung's
6 Opposition"). I have personal knowledge of the facts set forth in this declaration, except as
7 otherwise noted, and, if called upon as a witness, I could and would testify to such facts under
8 oath.

9 2. Between January 5, 2012, when Samsung first raised its apex objections to the
10 depositions of certain senior executives, and the date of this filing, Samsung has repeatedly
11 narrowed its apex objections down from 23 to 17, to 14, to 10, to 9 executives. During that time,
12 Apple refused to make even a single concession as to any of Samsung's apex executives. On
13 March 2, 2012, for the first time, Apple offered to drop its demand for the deposition of one of
14 Apple's apex executives, if Samsung would agree not to depose Deborah Goldsmith, a critical
15 witness whom another Apple witness described as a witness with knowledge regarding the
16 world clock feature – the precise feature accused by Samsung's '055 patent in this case. Apple's
17 offer was unacceptable given the critical importance of Ms. Goldsmith, but Samsung did
18 propose in a counteroffer to drop another witness in exchange for Apple dropping Mr. Chi – Ms.
19 Goldsmith's supervisor, George Dicker. As of this filing, Apple has not responded to Samsung's
20 offer.

21 3. Since Samsung filed its Notice of Motion And Motion For A Protective Order on
22 February 23, 2012, Samsung has made further concessions through additional meet and confer
23 efforts, and has offered to make available for deposition Dr. Seungho Ahn. Thus, Samsung no
24 longer seeks a protective order precluding the deposition of Dr. Ahn. However, other than their
25 belated March 2 offer, Apple has neither offered to withdraw notices nor agreed to discuss
26 whether additional 30(b)(6) witnesses could alleviate the need to depose apex executives.

27 4. Samsung has designated 21 30(b)(6) witnesses covering approximately 160
28 topics and subtopics to date. Samsung has designated SEC employees Seongwoo Kim, Sungho

1 Choi and Junwon Lee to testify regarding topics related to licensing and participation in
2 standards-bodies; SEC employees Minsuk Kim and Yunjung Lee to testify regarding topics
3 relating to the design of the accused products; SEC employees Heonseok Lee, Kiwon Lee, Sung
4 Hee Hwang, Han-Soo Jung, Joon-Il Choi, Woogyun Kho, Ioi Lam, and Dooju Byun to testify
5 regarding topics related to the technical development of allegedly infringing product features;
6 SEC employee Oh Chae Kwon and STA employees Todd Pendleton and Tim Benner to testify
7 regarding topics related to consumer research and the marketing of the accused products; Tim
8 Sheppard (STA's Vice President of Finance and Accounting), Justin Denison (STA's Chief
9 Strategy Officer), and Jae-Hwan Sim (Vice president of SEC's Business Operations Group) to
10 testify regarding topics relating to financials and business planning; and SEC employee GiSang
11 Lee to testify regarding topics relating to the Samsung patents-in-suit and the technology
12 disclosed in the '055 and '871 Patents.

13 5. Samsung noticed the depositions of several Apple executives in early February,
14 2012. On February 14, 2012, during the lead counsel meet and confer, Samsung asked Apple to
15 confirm whether they would be objecting to any of the noticed witnesses on apex grounds.
16 Apple replied that it was still considering the issue.

17 6. On February 20, 2012, after Apple first filed its Motion to Compel, Samsung
18 once again reached out to Apple by e-mail to inquire whether Apple would be objecting on apex
19 grounds to the noticed Apple senior executives. Apple did not respond. It was not until
20 February 23, 2012, the same day Samsung filed its motion for a protective order, that Apple
21 informed Samsung that it was objecting to no fewer than *twenty two* different deposition notices.
22 Apple stated that "some of these individuals would qualify as 'apex' witnesses," but failed to
23 identify precisely which were supposed apex witnesses. A true copy of this letter is attached as
24 Exhibit A.

25 7. [REDACTED]
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Executed on March 5, 2012, at San Francisco, California.

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/s/ Joby Martin
JobyMartin