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

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

16 APPLE INC., a California corporation,
 17 Plaintiff,
 18 v.
 19 SAMSUNG ELECTRONICS CO., LTD., A
 20 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
 COMBINED REPLY IN SUPPORT
 OF ITS MOTION TO COMPEL
 DEPOSITIONS OF SAMSUNG'S
 PURPORTED "APEX"
 WITNESSES AND OPPOSITION
 TO SAMSUNG'S MOTION FOR A
 PROTECTIVE ORDER**
 Date: March 27, 2012
 Time: 10:00 a.m.
 Place: Courtroom 5, 4th Floor
 Judge: Hon. Paul S. Grewal

26 **REDACTED PUBLIC VERSION**

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 Combined Reply in
6 Support of Its Motion to Compel Depositions of Samsung’s Purported “Apex” Witnesses and
7 Opposition to Samsung’s Motion for a Protective Order.

8 2. Certain of the exhibits to this Declaration consist of Korean-language documents
9 produced by Samsung in this action. Apple has obtained certified translations of those documents
10 and submits those translations herewith along with each Korean original.

11 3. A description of the meet-and-confer process leading to Apple’s filing its Motion
12 to Compel Depositions of 14 of Samsung’s Purported “Apex” Witnesses (“Motion to Compel”),
13 along with facts concerning Apple’s having produced its own comparable “high level” employees
14 for deposition, is set forth in my declaration in support of Apple’s Motion to Compel, filed
15 February 16, 2012.

16 4. On February 5, 2012, I sent an email to Rachel Kassabian, who is one of
17 Samsung’s attorneys in this action, stating in part that Apple “will not at this time pursue the
18 depositions of Woncheol Chae, Chang Hwan Hwang, . . . and Hankil Yoon.” Those three
19 witnesses were among the 23 purported apex witnesses listed in Ms. Kassabian’s letter of
20 February 3, 2012 (“February 23 Kassabian letter”) (Dkt. No. 752-16). Attached hereto as
21 **Exhibit 1** is a true and correct copy of that February 5 email.

22 5. On February 9, 2012, Apple sent Samsung a thirteen-page letter containing a
23 witness-by-witness summary outlining why Samsung’s objections were meritless. (Dkt.
24 No. 754-14.) Reflecting that Apple had dropped three of the 23 purported apex witnesses
25 identified in the February 23 Kassabian letter, Apple’s letter discusses 20 witnesses.

26 6. On February 12, 2012, I sent an email to Ms. Kassabian and Alex Binder, who also
27 is one of Samsung’s attorneys in this action, stating in part that Apple “will not at this time pursue
28 the deposition[] of Justin Lee.” Mr. Lee is another one of the 23 purported apex witnesses listed

1 in the February 23 Kassabian letter. Attached hereto as **Exhibit 2** is a true and correct copy of
2 that February 12 email.

3 7. On February 13, 2012, I sent another email to Ms. Kassabian and Mr. Binder,
4 stating in part that Apple “will not at this time pursue the deposition[] of . . . Younseok Lee.”
5 The email further stated: “Note that Younghee Lee is one of the witnesses to whom Samsung has
6 objected as ‘apex.’ This is the fifth ‘apex’ witness Apple has taken off its deposition schedule
7 since receiving Samsung’s February 3, 2012, letter.” Attached hereto as **Exhibit 3** is a true and
8 correct copy of that February 13 email.

9 8. On February 14, 2012, I sent another email to Mr. Binder and Ms. Kassabian,
10 stating in part that Apple “is willing to cut one additional witness [Samsung] has claimed to be
11 ‘apex’: YoungHoon Eom.” Attached hereto as **Exhibit 4** is a true and correct copy of that
12 February 14 email.

13 9. I have reviewed Ms. Kassabian’s Declaration in support of Samsung’s motion for
14 protective order (Dkt. No. 752-15) and the Declaration of Joby Martin in support of Samsung’s
15 opposition to Apple’s Motion to Compel. (Dkt. No. 773-4.) In Ms. Kassabian’s declaration, she
16 asserts that, after Apple sent its February 9 letter to Samsung (described in Paragraph 7 of her
17 Declaration), “Samsung subsequently narrowed its apex objections down from 23 to 17
18 executives.” (Dkt. No. 752-15 ¶¶7-8.) In Mr. Martin’s declaration, he asserts that “Samsung has
19 repeatedly narrowed its apex objections down from 23 to 17, to 14, to 10, to 9 executives,” and
20 that “[d]uring that time, Apple refused to make even a single concession as to any of Samsung’s
21 apex witnesses.” (Dkt. No. 773-4 ¶2.) Mr. Martin’s declaration further states that “on
22 March 2, 2012, *for the first time*, Apple offered to drop its demand for the deposition of one of
23 [Samsung’s] apex executives.” (*Id.*, emphasis added.) I do not know of any factual basis for any
24 of these assertions, which were made by Ms. Kassabian and Mr. Martin under penalty of perjury.
25 To the contrary, as set forth above, it is *Apple* who unilaterally dropped Samsung’s purported
26 “apex” witnesses from 23 to 20 (Woncheol Chae, Chang Hwan Hwang, and Hankil Yoon), to 19
27 (Justin Lee), to 18 (Younseok Lee), and then from 15 to 14 (YoungHoon Eom) and (most
28 recently, on March 12, 2012) from 9 to 6 (Jaewan Chi, Heonbae Kim, and Dong Jin Koh). Apple

1 dropped five witnesses before Samsung dropped any of its objections to any depositions, and
2 Apple dropped six witnesses before Apple filed its motion to compel. And Apple has dropped a
3 total of 9 witnesses between February 5, 2012 and the date of this declaration.

4 10. Attached hereto as Exhibit 5 is a true and correct copy of a document produced by
5 Samsung beginning with Bates number SAMNDCA10202827. [REDACTED]

6 [REDACTED]
7 [REDACTED]
8 11. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the
9 deposition transcript of Seogguen Kim, taken February 29, 2012.

10 12. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the
11 deposition transcript of Don-Joo Lee, taken February 17, 2012.

12 13. Attached hereto as Exhibit 8 is a true and correct copy of a document produced by
13 Samsung beginning with Bates number SAMNDCA10249770. [REDACTED]

14 [REDACTED]
15 A certified translation is included.

16 14. Attached hereto as Exhibit 9 is a true and correct copy of an email chain from
17 August 2008 produced by Samsung beginning with Bates number SAMNDCA10885538. [REDACTED]

18 [REDACTED] A certified
19 translation is included.

20 15. Attached hereto as Exhibit 10 is a true and correct copy of an email from
21 January 2010 produced by Samsung beginning with Bates number SAMNDCA10907800. [REDACTED]

22 [REDACTED] A
23 certified translation is included.

24 16. Attached hereto as Exhibit 11 is a true and correct copy of a document produced
25 by Samsung beginning with Bates number SAMNDCA10422392. [REDACTED]

26 [REDACTED] A
27 certified translation is included.

1 17. Attached hereto as Exhibit 12 is a true and correct copy of a document produced
2 by Samsung beginning with Bates number SAMNDCA00196646. [REDACTED]

3 [REDACTED]
4 [REDACTED] A certified translation is included.

5 18. Attached hereto as Exhibit 13 is a true and correct copy of an email chain from
6 October, 2010 produced by Samsung beginning with Bates number SAMNDCA10774544. [REDACTED]

7 [REDACTED] A
8 certified translation is included.

9 19. Attached hereto as Exhibit 14 is a true and correct copy of a document produced
10 by Samsung beginning with Bates number SAMNDCA10775880. [REDACTED]

11 [REDACTED]
12 [REDACTED] A certified translation is included.

13 20. Attached hereto as Exhibit 15 is a true and correct copy of an email from
14 May 2010 produced by Samsung beginning with Bates number SAMNDCA10911066. [REDACTED]

15 [REDACTED] A
16 certified translation is included.

17 21. Attached hereto as Exhibit 16 is a true and correct copy of an email from
18 August 2010 produced by Samsung beginning with Bates number SAMNDCA10771078. [REDACTED]

19 [REDACTED] A certified translation is
20 included.

21 22. Attached hereto as Exhibit 17 is a true and correct copy of an email chain from
22 May and June 2010 produced by Samsung beginning with Bates number SAMNDCA10764503.

23 [REDACTED] A certified translation is
24 included.

25 23. Attached hereto as Exhibit 18 is a true and correct copy of excerpts from the
26 deposition transcript of Jinsoo Kim, taken February 3, 2012.

27 24. Attached hereto as Exhibit 19 is a true and correct copy of a [REDACTED]
28 [REDACTED] dated Nov. 2010 - Jan. 2011, bearing Bates numbers SAMNDCA00533129-159.

1 25. Attached hereto as Exhibit 20 is a true and correct copy of an email dated July 24,
2 2011 from Yong Sung Park bearing Bates numbers SAMNDCA11115223-229. [REDACTED]

3 [REDACTED]
4 [REDACTED]
5 26. Attached hereto as Exhibit 21 is a true and correct copy of an email chain dated
6 August 10, 2010 bearing Bates numbers SAMNDCA10185356-364. [REDACTED]

7 [REDACTED]
8 [REDACTED]
9 27. Attached hereto as Exhibit 22 is a true and correct copy of an email bearing Bates
10 numbers SAMNDCA10172484-488 authored by Don Jin Koh and dated May 6, 2010. [REDACTED]

11 [REDACTED]
12 [REDACTED]
13 28. Attached hereto as Exhibit 23 is a true and correct copy of an email chain
14 produced by Samsung bearing Bates numbers SAMNDCA10167858-867. [REDACTED]

15 [REDACTED]
16 [REDACTED]
17 29. Attached hereto as Exhibit 24 is a true and correct copy of an email bearing Bates
18 numbers SAMNDCA10181789-794 authored by Don Jin Koh and dated July 2, 2010. [REDACTED]

19 [REDACTED]
20 [REDACTED]
21 30. Attached hereto as Exhibit 25 is a true and correct copy of an email bearing Bates
22 numbers SAMNDCA10247568-570 authored by Dong Hoon Chang and dated September 24,
23 2010. [REDACTED]

24 [REDACTED]
25 [REDACTED]
26 31. Attached hereto as Exhibit 26 is a true and correct copy of an email bearing Bates
27 numbers SAMNDCA11023144-164 authored by Don Jin Koh and dated September 23, 2011.
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[REDACTED]

32. Attached hereto as Exhibit 27 is a true and correct copy and a certified translation of a document beginning with Bates number SAMNDCA10320161. The document is [REDACTED]

[REDACTED]

33. Attached hereto as Exhibit 28 is a true and correct copy and a certified translation of an email chain beginning with Bates number SAMNDCA00532560. [REDACTED]

[REDACTED]

34. I am informed by my team that Apple has not been able to depose a witness with specific knowledge of SEC's finances.

35. Attached hereto as Exhibit 29 is a true and correct copy of an email from Dale Sohn to members of his team, dated February 15, 2011, bearing Bates Number S-ITC-500000321-322. [REDACTED]

[REDACTED]

1 36. Attached hereto as Exhibit 30 is a true and correct copy of an email chain, dated
2 from June 23 – 24, 2011, bearing Bates numbers S-ITC-500043605-611. [REDACTED]

3 [REDACTED]
4 37. Attached hereto as Exhibit 31 is a true and correct copy of an email dated
5 March 2, 2010, bearing Bates numbers SAMNDCA10247549-552. The email relates remarks
6 made by [REDACTED]

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED] A draft version of this email was inadvertently filed on
16 February 16, 2012 as Exhibit 8 to the Declaration of Mia Mazza in Support of Apple’s Motion to
17 Compel Depositions of 14 of Samsung’s Purported “Apex” Witnesses (“Mazza Declaration”).
18 The correct translation of Exhibit 8 to the Mazza Declaration was lodged with the Court on
19 March 7, 2012. (See Dkt. No. 786.)

20 38. Attached as Exhibit 32 is a true and correct copy of excerpts from the transcript of
21 the deposition of Heon-Seok Lee taken February 29, 2012.

22 39. On February 27, 2012, my colleague Marc Pernick sent a letter to Samsung
23 regarding the then-upcoming deposition of Heon-Seok Lee. In his letter, Mr. Pernick reminded
24 Samsung of the topics about which Mr. Lee was designated to testify and requested that he be
25 prepared to answer questions on those topics. Attached as Exhibit 33 is a true and correct copy
26 of that letter.

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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: March 12, 2012

/s/ Michael A. Jacobs
Michael A. Jacobs