

Exhibit 4

From: Mazza, Mia
Sent: Tuesday, February 14, 2012 10:42 AM
To: 'alex binder@quinnemanuel.com'; 'rachelkassabian@quinnemanuel.com'
Cc: AppleMoFo; 'samsungv.apple@quinnemanuel.com'; 'WH Apple Samsung NDCal Service'
Subject: RE: Apple v. Samsung: URGENT - Deposition Scheduling
Alex and Rachel --

Last Monday, you promised to provide dates for all outstanding depositions, regardless of objections, by last Friday. Based on that promise, we did not move to compel or even press Samsung for additional depositions. As of today, the day of our lead counsel meeting, **Samsung has yet to provide any firm date for 31 witnesses in Apple's offensive case alone.** Rather than dates, we have mostly received requests by Samsung for Apple to take witnesses off calendar. The record before us shines a bright light on Samsung's egregious use of stall tactics to deprive Apple of the depositions to which it is legally entitled.

It is now three short weeks before the close of discovery. **The number of noticed depositions is irrelevant to the issue of scheduling.** In Apple's offensive case alone, Samsung took the depositions of more than 50 Apple witnesses more than three months ago, and has now noticed an additional 40 depositions. *Apple has provided dates for all of these depositions* and nearly all of them are now firmly scheduled. **Under the current schedule being pushed by Samsung, by the close of discovery, in Apple's offensive N.D. Cal. case alone, Samsung will have taken the depositions of about 90 Apple witnesses and by its stalling tactics will have allowed Apple fewer than 30.** Samsung's representation that 30 additional witnesses is a "huge" number is beyond unacceptable. Samsung must provide dates for the remaining witnesses noticed by Apple.

With Samsung failing to provide 30(b)(6) witnesses and the 23 key witnesses Samsung has described as "apex," we have had no choice but to notice numerous additional individual witnesses in an attempt to cover the bases. To the extent Samsung has allowed Apple the few depositions Apple has taken over the past weeks, Apple has taken others off calendar in a continued good-faith attempt to reduce the number of depositions that remain. But Samsung's witnesses thus far have been evasive and lack knowledge about the key issues. Given that fact, taking nothing more than additional depositions of these types of witnesses would be a waste of precious time. To the extent that Samsung provides additional 30(b)(6) and so-called "apex" witnesses, Apple will continue to take other witnesses off calendar. This is normal litigation practice. **Samsung cannot use Apple's streamlining of its deposition plan as an excuse for continued delay in scheduling important depositions.**

Samsung must finalize the deposition schedule today or Apple's motion to compel will follow immediately. In the spirit of reaching a final schedule, Apple makes the following additional offers of compromise:

1. After additional scrutiny of our deposition plan, Apple is willing to cut one additional witness Apple has claimed to be "apex:" YoungHoon Eom. Samsung must offer for deposition all of the remaining people to whom Samsung has objected as "apex" and whom Apple has not voluntarily taken off calendar. As detailed in our letters, Samsung's characterization of *any* of these witnesses as "apex" is nothing more than a thinly veiled attempt to deprive Apple of relevant, appropriate discovery. None of these witnesses are "apex" as that term is applied in any applicable case. Samsung must provide confirmed dates for all of the remaining purported "apex" witnesses, and all of those depositions must occur before the end of February. With those depositions on schedule, Apple would be willing to defer a significant number of additional witnesses and move others to the last week of March.
2. If Samsung provides 30(b)(6) witnesses on all topics within Apple's Sixth Set of 30(b)(6) Deposition Requests, to be taken during the week of February 20, and confirms dates for the following four high priority witnesses also to be taken during the week of February 20:

Dong Sub Kim

3/8/2012

Seung Min Lee
Hye-Jung Lee
Heon-Seok Lee

Apple will agree to defer scheduling the following witnesses as Samsung has requested:

Hak-Yeol Kim
Hun Do Hur
Jin Ku Kang
Jong Dae Park
Seoghee Jeong (assuming same as Seok Hui Chung)
Hyun Ku Woo

3. The additional following unscheduled individual Samsung witnesses not already discussed above are High Priority for Apple and need to be scheduled for dates before March 2: Sang Hung and Todd Pendleton,
 4. Apple accepts the below dates for Sung Sik Lee (March 1) and Chan Woo Park (March 4). So long as Samsung continues to withhold dates for its purported "apex" and 30(b)(6) witnesses, however, Apple does not agree to fill up the remaining February deposition schedule with the offered dates for Jong Min Lee, Yong Shik Shin, or any other witness not identified above as High Priority. Joon-Il Choi has already been offered and accepted for March 5. Unless March 7 is being offered as a second date, Apple will not accept pushing that deposition back to March 7. In-Ho Kim has already been offered and accepted for March 7. Neither of these last two are newly offered dates.
 5. Finally, Samsung needs to identify witnesses and offer dates for 30(b)(6) depositions. Most urgently is Apple's Sixth Set, but Apple is entitled to depositions for all of the remaining topics, or Samsung's position with respect to which topics Samsung will not voluntarily provide a witness. Samsung's failure to provide these witnesses has prevented Apple from further narrowing the number of individual witnesses being deposed. We have only received names for two witnesses on Apple's offensive case. When are we going to get the rest?
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