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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  
 22 corporation; SAMSUNG  
 23 TELECOMMUNICATIONS AMERICA, LLC, a  
 24 Delaware limited liability company,  
 25 Defendants.

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

**DECLARATION OF MIA MAZZA  
 IN SUPPORT OF APPLE'S  
 OPPOSITION TO SAMSUNG'S  
 ADMINISTRATIVE MOTION  
 FOR TEMPORARY RELIEF  
 FROM THE LEAD COUNSEL  
 MEET AND CONFER  
 REQUIREMENT OR  
 ALTERNATIVELY FOR AN  
 EXTENSION OF THE DEADLINE  
 TO FILE MOTIONS TO COMPEL**

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 Opposition to  
6 Samsung’s Administrative Motion for Temporary Relief from the Lead Counsel Meet and Confer  
7 Requirement or Alternatively for an Extension of the Deadline to File Motions to Compel.

8 2. Attached as Exhibit A is a true and correct copy of Samsung’s February 24, 2012  
9 letter requesting a meet-and-confer session and proposing only *one* date and time: March 1 at  
10 1:00 p.m. at the office of Samsung’s counsel.

11 3. Attached as Exhibit B is a true and correct copy of Apple’s February 24, 2012  
12 letter the same day responding that its lead counsel, Mr. McElhinny, was not available on  
13 March 1, but agreeing to Samsung’s requested location and counter-proposing *any time* on  
14 March 5, *any time 1:00 p.m. or later* on March 6, *or any time the morning* of March 7.

15 4. Attached as Exhibit C is a true and correct copy of Samsung’s February 28, 2012  
16 letter, sent at 8:00 p.m., rejecting all of Apple’s proposed dates and again providing one date and  
17 one specific time less than 48 hours later: March 2, 1:30 p.m.

18 5. Attached as Exhibit D is a true and correct copy of Apple’s February 28, 2012  
19 letter sent the *same night*, responding that Mr. McElhinny was unavailable on March 2, but could  
20 meet on Sunday, March 11.

21 6. Attached as Exhibit E is a true and correct copy of Samsung’s February 29, 2012  
22 reply letter, rejecting Apple’s date and again proposing a single date with a single specific time:  
23 March 12, 1:30 p.m.

24 7. Attached as Exhibit F is a true and correct copy of Apple’s March 6, 2012 letter,  
25 informing Samsung that Mr. McElhinny was out of the country on March 12 and would not be  
26 available again until March 26.

27 8. Attached as Exhibit G is a true and correct copy of Apple’s March 10, 2012 letter,  
28 suggesting that if Samsung were to approach the Court to request permission for non-lead trial

1 counsel to meet-and-confer, Apple would *join* that motion. Apple also offered to substitute  
2 Michael Jacobs for Mr. McElhinny for a meet-and-confer session to take place any time on  
3 March 14 at the offices of Samsung’s counsel.

4 9. Attached as Exhibit H is a true and correct copy of Samsung’s March 12, 2012  
5 letter, accepting Apple’s offer to meet with Mr. Jacobs and stating that it would seek  
6 administrative relief from the in-person lead-counsel requirement, “or alternatively, relief from  
7 case deadlines.”

8 10. Attached as Exhibit I is a true and correct copy of Apple’s reply email, sent just a  
9 few hours later on March 12, stating that it would need to see Samsung’s papers to confirm it  
10 does not oppose, but that, as Apple had noted before, it would not oppose a request for leave from  
11 the lead counsel in-person requirement. However, Apple clarified that the case deadlines should  
12 not be shifted.

13 11. Attached as Exhibit J is a true and correct copy of Samsung’s email, raising, for  
14 the first time, the suggestion that the motion to compel deadline should be pushed out by *twelve*  
15 *days*. It asked Apple to confirm whether it would oppose.

16 12. On the night of March 12—before Apple could respond to Samsung’s email  
17 request—Samsung filed the present motion.

18 13. The parties are proceeding, as they have agreed, with a meet-and-confer between  
19 Mr. Jacobs and Samsung’s lead trial counsel on March 14. Attached as Exhibit K is a true and  
20 correct copy of Apple’s March 13, 2012 letter regarding the agenda for the March 14 meet-and-  
21 confer.

22 14. To date, Samsung has taken 83 depositions of current and former Apple employees  
23 and patent prosecutors, and at least two more depositions of Apple employees are on calendar for  
24 this week and beyond.

25 15. Samsung has continued to push Apple for more depositions, insisting on taking the  
26 depositions of employees ranging from the individual who mixes the paint for Apple’s models to  
27 Apple’s CEO, Tim Cook, who does not have any relevant connection to this case.  
28

1           16.     Attached as Exhibit L is a true and correct copy of Apple’s March 12, 2012 letter,  
2 noting that, in the last month of discovery, Samsung issued 51 subpoenas to a number of  
3 companies, including Dell, AT&T, Barnes & Noble, Target, Costco, and RadioShack. On the last  
4 day of discovery, March 8, Samsung served notice of another subpoena to Whirlpool  
5 Corporation, which appears to be related to issues that Samsung has known about since  
6 October 2011.

7           17.     On the last day to issue discovery requests, Samsung served 47 interrogatories and  
8 189 requests for production of documents.

9           18.     Apple served the vast majority of its interrogatories and requests for production in  
10 January 2012 or earlier, serving only 5 interrogatories and 56 requests for production on the last  
11 day to serve discovery.

12           19.     Nearly every request for production Apple has issued to Samsung has received the  
13 same response, even the final round, served by the parties’ agreement after the discovery cut-off:  
14 “Samsung is willing to meet and confer[.]”

15           20.     Samsung sent a number of letters accusing Apple of failing to produce documents  
16 that Samsung knows Apple produced or could easily have found by searching Apple’s production  
17 using custodial information and keywords.

18           21.     Attached as Exhibit M is a true and correct copy of Apple’s February 27, 2012  
19 letter regarding the deposition of Aaron Von Minden, in response to Samsung’s letter regarding  
20 his small amount of documents. Apple’s letter reminds Samsung that Apple has previously stated  
21 that Mr. Von Minden mixes paint for models and therefore irrelevant to the case. The letter also  
22 notes that Apple has produced all documents for Mr. Von Minden, and that the relative paucity of  
23 his documents is due to his status as a paint mixer for Apple.

24           22.     Attached as Exhibit N is a true and correct copy of Apple’s March 12, 2012 letter  
25 noting that, in the final month of discovery, Samsung sent letters demanding 88 separate  
26 categories of documents, including requests purportedly arising out of depositions from October  
27 2011. Confidential portions of this letter that are irrelevant to the instant motion have been  
28 redacted to avoid the need for filing under seal.



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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 13, 2012

/s/ Michael A. Jacobs  
Michael A. Jacobs