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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
 ELECTRONICS AMERICA, INC., a New York
 21 corporation; SAMSUNG
 TELECOMMUNICATIONS AMERICA, LLC, a
 22 Delaware limited liability company,

23 Defendants.

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

**REPLY DECLARATION OF
 MIA MAZZA IN SUPPORT OF
 APPLE’S MOTION FOR
 ATTORNEYS’ FEES AND
 COSTS IN CONNECTION WITH
 MOTION TO COMPEL
 DEPOSITIONS OF 14 OF
 SAMSUNG’S PURPORTED
 “APEX” WITNESSES**

Date: March 27, 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 For Attorneys’ Fees And Costs In Connection With Motion To Compel Depositions
7 of 14 of Samsung’s Purported “Apex” Witnesses (“Fees Reply”).

8 2. Apple has produced three of its nine most senior executives—Scott Forstall,
9 Jonathan Ive, and Phil Schiller—for deposition in this case. Messrs. Forstall, Ive, and Schiller are,
10 respectively, the most senior individuals in the iOS Software, Industrial Design, and Marketing
11 groups. Each of these witnesses’ depositions have already taken place. As noted in my
12 Declaration in Support of Apple’s Motion to Compel Depositions of 14 of Samsung’s Purported
13 “Apex” Witnesses (Dkt. No. 736-3 ¶¶12-13), Apple has produced at least 3 other witnesses for
14 deposition who are as high-ranking as most of Samsung’s purported “apex” witnesses.

15 3. Samsung has sought to depose certain Apple employees without providing Apple
16 with information showing that these proposed deponents have sufficient knowledge of relevant
17 facts to justify their depositions. Instead, it has sent Apple only one short letter, dated
18 February 28, 2012, that fails to reference any documents or deposition transcripts tying these
19 proposed deponents to relevant issues in the case. Attached hereto as **Exhibit 1** is a true and
20 correct copy of that February 28th letter.

21 4. On February 9, 2012, Apple sent Samsung a 9-page letter detailing, with
22 references to documents produced from the files of other witnesses and to deposition transcripts,
23 the reasons why each of Samsung’s 20 “apex” witnesses possesses unique, relevant information
24 that cannot be obtained through other means. The very next day, on February 10th, Samsung
25 served deposition notices on Apple’s CEO Tim Cook, General Counsel Bruce Sewell, and Senior
26 Director of IP Law and Litigation Noreen Krall. Attached hereto as **Exhibit 2** are true and
27 correct copies of Samsung’s deposition notices for these witnesses. There is no apparent basis for
28 these depositions. For example, Tim Cook, Apple’s recently-appointed CEO, has had no direct,

1 relevant role in the design, development, or marketing of any of the products or features at issue
2 in this case. Samsung has never explained why it needs to depose Mr. Cook or, for that matter,
3 why it waited until February 10 to notice Mr. Cook's deposition.

4 I declare under penalty of perjury that the foregoing is true and correct. Executed on
5 March 15, 2012 at San Francisco, California.

6 /s/ Mia Mazza

7 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: March 15, 2012

/s/ Michael A. Jacobs
Michael A. Jacobs