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

**DECLARATION OF RACHEL HERRICK  
 KASSABIAN IN SUPPORT OF  
 SAMSUNG'S REPLY IN SUPPORT OF  
 ITS MOTION FOR A PROTECTIVE  
 ORDER**

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

1 I, Rachel Herrick Kassabian, declare as follows:

2 1. I am a partner in 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 Motion for a Protective Order Precluding the Deposition of Ten High-  
6 Ranking Samsung Executives (“Samsung’s Motion for Protective Order”). I have personal  
7 knowledge of the facts set forth in this declaration, except as otherwise noted, and, if called upon  
8 as a witness, I could and would testify to such facts under oath.

9 2. I am informed and believe that to date, Apple has taken 84 depositions in this  
10 case totaling nearly 200 hours of deposition time.

11 3. Between January 5, 2012, when Samsung first raised its apex objections to the  
12 depositions of certain senior executives, and the date of this filing, Samsung has repeatedly  
13 narrowed its apex objections down from 23 to 17, to 14, to 10, to 9 executives. Apple, on the  
14 other hand, did not make even a single concession on these issues until March 12, 2012.

15 4. On March 12, after Samsung had already filed its Motion for a Protective Order  
16 and Opposition to Apple’s Motion to Compel, Apple finally offered its first compromise,  
17 electing to forego depositions of three of the remaining nine apex executives at issue in these  
18 cross motions—Jaewan Chi, Executive Vice President in SEC’s Intellectual Property Center;  
19 Heonbae Kim, Executive Vice President of the Korea R&D Team of Mobile Communications  
20 for SEC; and Dong Jin Koh, Executive Vice President of the Technology Strategy Team of  
21 Mobile Communications for SEC. A true and correct copy of Apple’s e-mail is attached as  
22 Exhibit A.

23 5. Attached hereto as Exhibit B is a true and correct copy of excerpts from the  
24 transcript of Yunjung Lee’s deposition, which took place on February 23, 2012.

25 6. Though Apple initially noticed Samsung employee Woncheol Chae for  
26 deposition, Apple has since withdrawn this notice. A true and correct copy of Apple’s  
27 correspondence is attached as Exhibit C.

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1           7.       Attached hereto as Exhibit D is a true and correct copy of excerpts from the  
2 transcript of SungSik Lee’s deposition, which took place on March 1, 2012.

3           8.       Since Samsung filed its Opposition to Apple’s Motion to Compel, Apple has  
4 deposed Jaehwang Sim, Vice President of SEC’s Business Operations Group and SEC’s  
5 30(b)(6) designee on various damages topics, including all the Topics listed in Apple’s Tenth  
6 30(b)(6) Notice (titled “Damages-Related Information”). True and correct copies of Apple’s  
7 Tenth 30(b)(6) Notice and the letter designating Mr. Sim are attached hereto as Exhibits E and F  
8 respectively. In addition, Apple will be deposing Tim Sheppard, STA’s 30(b)(6) designee on  
9 various damages topics, for a second time during the last week in March. Apple first deposed  
10 Mr. Sheppard on February 29, 2011 regarding seventeen different Topics listed in Apple’s  
11 Seventh 30(b)(6) Notice (also titled “Damages-Related Information”). True and copies of  
12 Apple’s Seventh 30(b)(6) Notice and the letter designating Mr. Sheppard are attached hereto as  
13 Exhibits G and H respectively. Apple has asked for a second deposition of Mr. Sheppard to  
14 question him in greater detail regarding two spreadsheets and financial reports from STA and  
15 SEC. A true and correct copy of Apple’s letter requesting a second deposition is attached hereto  
16 as Exhibit I.

17           9.       A week after filing its motion seeking to depose 14 Samsung executives,  
18 including Samsung’s CEO and President, Apple wrote to inform Samsung that it would not  
19 produce a number of witnesses for deposition, including several senior Apple executives. While  
20 Apple stated that some of the witnesses were “apex,” it failed to identify the supposedly apex  
21 witnesses. A true and correct copy of Apple’s correspondence is attached as Exhibit J.

22           10.      Attached hereto as Exhibit K is a true and correct copy of excerpts from Volume  
23 II of the transcript of Jonathan Ive’s deposition, which took place on February 7, 2012.

24           11.      Attached hereto as Exhibit L is a true and correct copy of excerpts from Volume I  
25 of the transcript of Greg Joswiak’s deposition, which took place on February 23, 2012.

26           12.      Bruce Sewell, Apple’s General Counsel, was listed as having relevant knowledge  
27 regarding licensing issues in Apple’s Initial Disclosures. A true and correct copy of this  
28 document is attached hereto as Exhibit O. Nevertheless, Apple has simultaneously claimed that

1 Mr. Sewell is one of several witnesses who are irrelevant to this litigation and / or should not be  
2 deposed on “apex” grounds (*see* Exhibit J, *supra*).

3 13. Attached hereto as Exhibit P is a document produced by Apple, bearing BATES  
4 APLNDC0000001085-87.

5 14. Attached hereto as Exhibit Q is an excerpt of Boris Teksler’s December 9, 2010  
6 deposition in International Trade Commission Investigation No. 337-TA-710, produced by  
7 Apple in this action bearing BATES APLNDC0001252490-539.

8 15. Attached hereto as Exhibit R is a collection of documents produced by Apple,  
9 bearing BATES APLNDC00019963-65, APLNDC0001207655, and APLNDC0001256893-94.

10 16. Attached hereto as Exhibit S is a document produced by Apple, bearing BATES  
11 APLNDC00010880.

12 17. Attached hereto as Exhibit T is a true and correct copy of excerpts of the rough  
13 transcript of Minhyung Chung’s deposition, which took place on March 16, 2012.

14 18. Attached hereto as Exhibit U is a true and correct copy of excerpts of the rough  
15 transcript of Seung-ho Ahn’s deposition, which took place on March 15, 2012.

16 19. In Samsung’s February 3, 2012 meet and confer letter regarding Samsung’s  
17 objections to the apex depositions at issue here, Samsung specifically advised Apple that  
18 “Samsung intends to file a motion for a protective order to prevent these depositions unless  
19 Apple either withdraws its deposition notices or adequately explains its basis for seeking  
20 testimony from these individuals.” Moreover, during the February 6 and February 14, 2012  
21 lead-counsel meet and confer sessions, I mentioned to Apple that Samsung would be proceeding  
22 with its protective order motion. Nevertheless, on February 16, 2012, Apple went ahead and  
23 filed a duplicative motion to compel these same depositions.

24 20. On March 7, 2012, Apple asked Samsung to stipulate to combine Apple’s  
25 Opposition to Samsung’s Motion for a Protective Order and its Reply in support of its Motion  
26 To Compel. Samsung accepted Apple stipulation to reduce the burdens on the Court.

27 21. [Exhibit M is intentionally omitted.]

28 22. [Exhibit N is intentionally omitted.]

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 19, 2012, at San Francisco, California.



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Rachel Herrick Kassabian