

EXHIBIT E

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

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

15 APPLE INC., a California corporation,

16 Plaintiff,

17 v.

18 SAMSUNG ELECTRONICS CO., LTD., a
19 Korean corporation; SAMSUNG ELECTRONICS
20 AMERICA, INC., a New York corporation; and
21 SAMSUNG TELECOMMUNICATIONS
AMERICA, LLC, a Delaware limited liability
company,

22 Defendants.
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Case No. 11-cv-01846-LHK

**APPLE INC.'S TENTH
RULE 30(B)(6) DEPOSITION
NOTICE**

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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 30(b)(6), Plaintiff Apple Inc., by and through its attorneys, will take the deposition upon oral examination of Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively, "Samsung"). The deposition will commence at 9:00 a.m. on February 22, 2012, at the offices of Morrison & Foerster LLP, 425 Market Street, San Francisco, California, 94105. The deposition will be taken by a notary public or other authorized officer and will continue from day to day until concluded, or may be continued until completed at a future date or dates. Pursuant to Federal Rule of Civil Procedure 30(b)(6), Samsung shall designate one or more officers, directors, managing agents, or other persons who consent to testify on its behalf and who are most knowledgeable and competent to testify concerning each of the subjects set forth in Exhibit A hereto.

PLEASE TAKE FURTHER NOTICE that, pursuant to Federal Rule of Civil Procedure 30(b)(3), the deposition will be videotaped and recorded stenographically.

Dated: February 12, 2012

MORRISON & FOERSTER LLP

By: /s/ Richard S.J. Hung
RICHARD S.J. HUNG
Attorneys for Plaintiff
APPLE INC.

1 **EXHIBIT A**

2 **DEFINITIONS**

3 1. "Samsung," "You," "Your," and/or "Defendants" mean Samsung Electronics Co.,
4 Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC and
5 all predecessors, successors, predecessors-in-interest, successors-in-interest, subsidiaries,
6 divisions, parents, and/or affiliates, past or present, any companies that have a controlling
7 interest in Defendants, and any current or former employee, officer, director, principal, agent,
8 consultant, representative, or attorney thereof, or anyone acting on their behalf.

9 2. "Apple" means Apple Inc. and its subsidiary entities, divisions, predecessors,
10 successors, present and former officers, directors, employees, representatives, agents, and anyone
11 acting on its behalf.

12 3. "Products at Issue" or "Products in Suit" means the following products that
13 Samsung has imported into or sold, or will import into or sell, in the United States: Acclaim,
14 Captivate, Continuum, Droid Charge, Exhibit 4G, Epic 4G, Fascinate, Gem, Galaxy Ace, Galaxy
15 Prevail, Galaxy S (i9000), Galaxy S 4G, Gravity, Indulge, Infuse 4G, Intercept, Mesmerize,
16 Nexus S, Nexus S 4G, Replenish, Showcase i500, Showcase Galaxy S, Sidekick, Transform,
17 Vibrant, all products in the Galaxy S line of phones, all Galaxy S II (aka Galaxy S 2) phones, the
18 Samsung Nexus Prime, and the Galaxy Tab, Galaxy Tab 10.1, and Galaxy Tab 8.9 tablet
19 computers, any similar products, and any products that Apple accuses of infringing its
20 intellectual property in this litigation. "Products at Issue" also includes all Galaxy phone and
21 tablet products and any other product identified in Apple's Amended Complaint.

22 4. "Apple Products" means the original iPhone, iPhone 3G, iPhone 3GS, iPhone 4,
23 iPad, iPad 2, iPod touch, and future versions thereof.

24 5. "Utility Patents at Issue" means U.S. Patent Nos. 7,812,828 (the "'828 Patent"),
25 6,493,002 (the "'002 Patent"), 7,469,381 (the "'381 Patent"), 7,844,915 (the "'915 Patent"),
26 7,853,891 (the "'891 Patent"), 7,663,607 (the "'607 Patent"), 7,864,163 (the "'163 Patent"), and
27 7,920,129 (the "'129 Patent").

28 6. "Design Patents at Issue" means U.S. Design Patent Nos. D627,790 (the "D'790

1 Patent”), D617,334 (the “D’334 Patent”), D604,305 (the “D’305 Patent”), D593,087 (the “D’087
2 Patent”), D618,677 (the “D’677 Patent”), D622,270 (the “D’270 Patent”), and D504,889 (the
3 “D’270 Patent”).

4 7. “Patents at Issue” or “Patents in Suit” means the Utility Patents at Issue and the
5 Design Patents at Issue.

6 8. “Hardware Design” means a device’s casing, screen and screen borders, bezel or
7 band, buttons, ports, speaker, and all hardware, insignia, or ornamentation thereon.

8 9. “Graphical User Interface Design” means the graphical user interface displayed
9 on a device’s screen, including all of the icons displayed as part of the graphical user interface.

10 10. “Original iPhone Trade Dress” means the following elements of Apple’s product
11 designs: a rectangular product with four evenly rounded corners; a flat clear surface covering the
12 front of the product; the appearance of a metallic bezel around the flat clear surface; a display
13 screen under the clear surface; under the clear surface, substantial black borders above and below
14 the display screen and narrower black borders on either side of the screen; when the device is on,
15 a matrix of colorful square icons with evenly rounded corners within the display screen; and
16 when the device is on, a bottom dock of colorful square icons with evenly rounded corners set
17 off from the other icons on the display, which does not change as other pages of the user
18 interface are viewed.

19 11. “iPhone 3G Trade Dress” means the following elements of Apple’s product
20 designs: a rectangular product with four evenly rounded corners; a flat clear surface covering the
21 front of the product; the appearance of a metallic bezel around the flat clear surface; a display
22 screen under the clear surface; under the clear surface, substantial black borders above and below
23 the display screen and narrower black borders on either side of the screen; when the device is on,
24 a row of small dots on the display screen; when the device is on, a matrix of colorful square
25 icons with evenly rounded corners within the display screen; and when the device is on, a bottom
26 dock of colorful square icons with evenly rounded corners set off from the other icons on the
27 display, which does not change as other pages of the user interface are viewed.

28 12. “iPhone 4 Trade Dress” means the following elements of Apple’s product

1 designs: a rectangular product with four evenly rounded corners; a flat clear surface covering the
2 front of the product; a display screen under the clear surface; under the clear surface, substantial
3 neutral (black or white) borders above and below the display screen and narrower black borders
4 on either side of the screen; a thin metallic band around the outside edge of the phone; when the
5 device is on, a row of small dots on the display screen; when the device is on, a matrix of
6 colorful square icons with evenly rounded corners within the display screen; and when the device
7 is on, a bottom dock of colorful square icons with evenly rounded corners set off from the other
8 icons on the display, which does not change as other pages of the user interface are viewed.

9 13. “iPhone Trade Dress” means the following elements of Apple’s product designs:
10 a rectangular product with four evenly rounded corners; a flat clear surface covering the front of
11 the product; a display screen under the clear surface; under the clear surface, substantial neutral
12 (black or white) borders above and below the display screen and narrower neutral borders on
13 either side of the screen; when the device is on, a matrix of colorful square icons with evenly
14 rounded corners within the display screen; and when the device is on, a bottom dock of colorful
15 square icons with evenly rounded corners set off from the other icons on the display, which does
16 not change as other pages of the user interface are viewed.

17 14. “iPad Trade Dress” means the following elements of Apple’s product designs: a
18 rectangular product with four evenly rounded corners; a flat clear surface covering the front of
19 the product; the appearance of a metallic rim around the flat clear surface; a display screen under
20 the clear surface; under the clear surface, substantial neutral (black or white) borders on all sides
21 of the display screen; and when the device is on, a matrix of colorful square icons with evenly
22 rounded corners within the display screen.

23 15. “iPad 2 Trade Dress” means the following elements of Apple’s product designs:
24 a rectangular product with four evenly rounded corners; a flat clear surface covering the front of
25 the product; the appearance of a metallic rim around the clear flat surface; a display screen under
26 the clear surface; under the clear surface, substantial neutral (black or white) borders on all sides
27 of the display screen; and when the device is on, a matrix of colorful square icons with evenly
28 rounded corners within the display screen.

1 16. “Trade Dress Registrations” means U.S. Registration Nos. 3,470,983; 3,457,218;
2 and 3,475,327.

3 17. “Trade Dress Applications” means U.S. Application Serial Nos. 77/921,838;
4 77/921,829; 77/921,867; and 85/299,118.

5 18. “Registered Icon Trademarks” means the marks shown in U.S. Registration
6 Nos. 3,866,196; 3,889,642; 3,886,200; 3,889,685; 3,886,169; and 3,886,197.

7 19. “Purple iTunes Store Trademark” means the mark shown in U.S. Application
8 Serial No. 85/041,463.

9 20. “iTunes Eighth Note and CD Design Trademark” means the mark shown in U.S.
10 Registration No. 2,935,038.

11 21. “Apple Trademarks and Trade Dress” means the: Original iPhone Trade Dress,
12 iPhone 3G Trade Dress, iPhone 4 Trade Dress, iPhone Trade Dress, iPad Trade Dress, iPad 2
13 Trade Dress, Trade Dress Registrations, Trade Dress Applications, Registered Icon Trademarks,
14 Purple iTunes Store Trademark, and iTunes Eighth Note and CD Design Trademark

15 22. “Accused Feature” means any aspect, element or function of any Product at Issue
16 that is alleged to infringe any of the Patents at Issue, including each function identified in
17 Apple’s Infringement Contentions. The term includes each of the following: (1) the function that
18 allows for an image, list, or webpage to be scrolled beyond its edge until it is partially displayed;
19 (2) the function that allows for an image, list, or webpage that is scrolled beyond its edge to
20 scroll back or bounce back into place so that it returns to fill the screen; (3) the function that
21 allows for the automatic closing of a user interface window; (4) the function that allows for the
22 display and operation of a user interface status bar; (5) the function that allows for the detection
23 and identification of a touch or object on a touch screen display; (6) the function for detecting
24 and interpreting user input or gestures on a touch screen display, including the function that
25 determines whether a user input relates to scrolling or a scaling gesture; (7) the touch screen on
26 the accused devices and any software, firmware, or other system used to control said touch
27 screen.

28 23. “Samsung Practicing Products” means any and all products sold by Samsung that

1 Samsung contends practices or practiced one or more of the Samsung Patents In Suit.

2 24. "Source Code" means source code and source code repositories, including but not
3 limited to: (1) all makefiles, history files, or similar code-generation control or version-control
4 files for such source code, including files identifying (a) the date when code was checked in;
5 (b) the identity of persons who coded and checked-in the code; and (2) an identification of such
6 source code, including (a) version number(s), (b) the compiler used in the development of such
7 source code and (c) the operating system used in the development of such source code. Requests
8 for Source Code cover prototypes, released and unreleased versions, and public and proprietary
9 Source Code.

10 25. "Document(s)" has the broadest possible meaning permitted by Federal Rules of
11 Civil Procedure Rules 26 and 34 and the relevant case law, and the broadest meaning consistent
12 with the terms "writings" or "recordings" as set forth in Rule 1001 of the Federal Rules of
13 Evidence, and specifically and without limitation include tangible things and electronically
14 stored information, including e-mail and information stored on computer disk or other electronic,
15 magnetic, or optical data storage medium. "Document(s)" also includes all drafts or non-final
16 versions, alterations, modifications, and amendments to any of the foregoing.

17 26. "Communication(s)" means the transmittal of information in the form of facts,
18 ideas, inquiries, and any exchange or transfer of information whether written, oral, electronic, or
19 in any form.

20 27. "Tangible Thing(s)" has the broadest possible meaning permitted by Federal
21 Rules of Civil Procedure 26 and 34 and the relevant case law.

22 28. "Concerning" or "Relating" mean regarding, referring to, concerning, mentioning,
23 reflecting, pertaining to, analyzing, evidencing, stating, involving, identifying, describing,
24 discussing, documenting, commenting on, dealing with, embodying, responding to, supporting,
25 contradicting, comprising, containing, or constituting (in whole or in part), as the context makes
26 appropriate.

27 29. The use of a verb in any tense shall be construed as the use of the verb in all other
28 tenses.

1 30. The use of the singular form of any word includes the plural and vice versa.

2 31. “And” as well as “or” are to be construed either disjunctively or conjunctively to
3 acquire the broadest meaning possible, so as to bring within the scope of the Request all
4 information that might otherwise be construed to be outside its scope. The term “all” is to be
5 construed to mean “any” and “each” and vice versa.

6 32. “Including” shall be construed to mean “including, without limitation” or
7 “including, but not limited to.”

8 33. “Person(s)” means natural persons as well as business entities and associations of
9 all sorts, including partnerships, companies, proprietorships, joint ventures, corporations,
10 government agencies, and unincorporated associations.

11 34. “Entity” or “Entities” means, including without limitation, corporation, company,
12 firm, partnership, joint venture, association, governmental body or agency, or persons other than
13 a natural person.

14 35. “Third Party” or “Third Parties” means all persons who are not parties to this
15 Litigation, as well as their officers, directors, employees, agents and attorneys.

16 36. “First Amended Complaint” means the first amended complaint in the above-
17 captioned action dated June 16, 2011.

18 37. “Answer” means Samsung’s answer to the First Amended Complaint in the
19 above-captioned action dated June 30, 2011.

20 38. “Samsung’s Counterclaims” means Samsung’s Counterclaims asserted in
21 response to the First Amended Complaint in the above-captioned action dated June 30, 2011.

22 39. “Related Foreign Proceedings” means any litigation or court proceeding involving
23 Apple and Samsung occurring outside the United States regarding any of the same subject
24 matter, patents, trademarks, or products at issue in this case.

25 40. “Opposition” means your Opposition to Apple’s Motion for a Preliminary
26 Injunction and all supporting declarations and exhibits.

27 41. “Samsung Patents in Suit” shall mean United States Patent Nos. 6,928,604,
28 7,050,410, 7,069,055, 7,079,871, 7,200,792, 7,362,867, 7,386,001, 7,447,516, 7,456,893,

1 7,577,460, 7,675,941, and 7,698,711, individually and collectively, and all foreign counterparts
2 thereof.

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1 TOPICS

2 DAMAGES-RELATED INFORMATION

3 1. The purpose, use, and contents of the documents with beginning Bates numbers
4 SAMNDCA00323946 and SAMNDCA00325495, and any other report or document in the same
5 format or derived from the same source (hereinafter, “the FINANCIAL DOCUMENTS”),
6 including the source, scope, reliability, and accuracy of the data contained therein.

7 2. How the FINANCIAL DOCUMENTS were created and the steps taken to create
8 the documents, including any decisions as to which data to include or exclude, from where to
9 retrieve such data, and all decisions on what revenues, costs, or expenses to exclude or include in
10 any amounts reported.

11 3. The identities and job titles of all persons involved in the creation of the
12 FINANCIAL DOCUMENTS.

13 4. The manner, if any, in which foreign exchange and currency fluctuations are
14 accounted for in what is reported in the FINANCIAL DOCUMENTS.

15 5. The manner in which Samsung accounts for foreign exchange fluctuations,
16 including as between the Korean dollar and the U.S. dollar, in calculating or establishing
17 consolidated profit of any of the accused products, either at the STA, SEA, or SEC levels, and the
18 identities and job titles of the persons involved in such calculations.

19 6. In the FINANCIAL DOCUMENTS, the purpose, source, and rationale for each
20 heading, row, and category shown on the left side of each worksheet.

21 7. Any calculations or methods used to allocate or identify revenues, costs, or
22 expenses to each product and entity as reported in the FINANCIAL DOCUMENTS.

23 8. In the FINANCIAL DOCUMENTS, the source, calculation, use, and creation of
24 the data in, and the calculation of, the rows identified as “Operating Profit.”

25 9. Whether and to what degree the amounts included as costs and expenses in the
26 FINANCIAL DOCUMENTS reflect fixed or variable expenses and whether they reflect marginal
27 profits associated with new sales.
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10. Whether and how the amounts reported in the FINANCIAL DOCUMENTS reflect transfer pricing arrangements between Samsung entities.

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on February 12, 2012, a true and correct copy of **APPLE INC.'S**
3 **TENTH RULE 30(B)(6) DEPOSITION NOTICE** was served via electronic mail on the
4 following counsel of record at the addresses indicated below:

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