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

14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA  
 16 SAN JOSE DIVISION

17 APPLE INC.,  
 18 Plaintiff,  
 19 v.  
 20 SAMSUNG ELECTRONICS CO., LTD., a  
 Korean business entity; SAMSUNG  
 21 ELECTRONICS AMERICA, INC., a New York  
 corporation; SAMSUNG  
 22 TELECOMMUNICATIONS AMERICA, LLC, a  
 Delaware limited liability company,  
 23 Defendants.  
 24

Case No. 11-cv-01846-LHK

**DECLARATION OF NATHAN  
 SABRI IN SUPPORT OF APPLE'S  
 OPPOSITION TO SAMSUNG'S  
 MOTION TO COMPEL  
 PRODUCTION OF MATERIALS  
 FROM RELATED PROCEEDINGS  
 AND TO ENFORCE  
 DECEMBER 22, 2011 COURT  
 ORDER**

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1 I, NATHAN SABRI, declare as follows:

2 1. I am an attorney with the law firm of Morrison & Foerster LLP, counsel for Apple  
3 Inc. (“Apple”). I am licensed to practice law in the State of California. I have personal  
4 knowledge of the matters stated herein or understand them to be true from members of my  
5 litigation team. I make this declaration in support of Apple’s Opposition to Samsung’s Motion to  
6 Compel Production of Materials from Related Proceedings and to Enforce December 22, 2011  
7 Court Order (“Samsung’s Motion”).

8 2. On November 3, 2011, Samsung sent a letter to Apple asserting that Samsung was  
9 entitled to prior testimony by witnesses employed by Apple in order to assess the credibility of  
10 the witnesses in this action. Samsung supported this proposition by citing a case that addressed  
11 production of prior deposition transcript from a case with a “technological nexus” to the case at  
12 issue. A true and correct copy of this November 3 letter is attached hereto as **Exhibit 1**. Minor  
13 irrelevant information regarding licenses has been redacted to avoid an unnecessary motion to file  
14 under seal.

15 3. On November 29, 2011, Apple sent a letter to Samsung proposing a definition for  
16 “technological nexus” with specific examples for clarity. A true and correct copy of this  
17 November 29 letter is attached hereto as **Exhibit 2**.

18 4. On December 6, 2011 Apple sent a letter to Samsung summarizing issues  
19 discussed at a November 30 meet-and-confer session. A true and correct copy of this December 6  
20 letter is attached hereto as **Exhibit 3**.

21 5. On February 13, 2012, Samsung provided Apple with a list of proceedings that it  
22 asserted had a “technological nexus” with the present lawsuit. Attached hereto as **Exhibit 4** is a  
23 true and correct copy of the February 13 letter containing this list.

24 6. On February 29, 2012, Apple responded expressing appreciation that Samsung  
25 provided a list of cases but noting that Samsung had not actually made an attempt to limit its  
26 cases to those with a technological nexus. For example, Samsung’s list included a case involving  
27 one patent covering a vehicle audio system and another case involving image decoding,  
28

1 processing, and compression patents. Attached hereto as **Exhibit 5** is a true and correct copy of  
2 this response letter.

3 7. On March 3, 2012, Samsung provided a revised list of actions that it asserted had a  
4 technological nexus with the present lawsuit. Attached hereto as **Exhibit 6** is a true and correct  
5 copy of the March 3 letter containing this list. Samsung's list included eight cases involving  
6 Apple and third parties and the *Apple v. Samsung* dispute currently pending before the ITC.

7 8. It is my understanding that Apple does not store deposition transcripts by matter.  
8 It stores deposition transcripts by employee. Accordingly, Apple cannot review a particular  
9 matter to determine all transcripts associated with that matter; it must proceed employee-by-  
10 employee and determine what transcripts, if any, it has in its possession for each.

11 9. Apple searched for prior deposition transcripts that had not already been produced  
12 for Apple employees who are witnesses in the present matter, with the exception of individuals  
13 who testified in the present case that they have never been deposed before, from Samsung's list of  
14 eight cases between Apple and third parties.

15 10. With two exceptions, discussed in more detail below, the only transcripts Apple  
16 identified that had not already been produced were from depositions that occurred *after* January  
17 15. Specifically, Apple identified and produced transcripts from the following post-January 15  
18 depositions: 1) February 22, 2012 deposition of Brian Huppi in ITC Investigation No. 337-TA-  
19 797 (APLNDC-Y0000231263); 2) February 28, 2012 deposition of Freddy Anzures in *Apple v.*  
20 *Motorola* (N.D. Ill.) (APLNDC-Y0000231227); 3) February 27, 2012 deposition of Stan Ng in  
21 *Apple v. Motorola* (N.D. Ill.) (APLNDC-Y0000231356); and 4) January 24, 2012 deposition of  
22 Steve Hotelling in ITC Investigation No. 337-TA-797 (APL-ITC796-X0000003155).

23 11. Apple had inadvertently not previously identified or produced a transcript from the  
24 November 10, 2010 deposition of Eric Jue in ITC Investigation No. 337-TA-714. Apple  
25 promptly produced this transcript after receiving Samsung's final list of "related proceedings"  
26 sent on March 3. (APLNDC-Y0000231187.)



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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 Nathan Sabri has concurred in this filing.

Dated: March 21, 2012

/s/ Michael A. Jacobs  
Michael A. Jacobs