

EXHIBIT 1

EXHIBIT 19
FILED UNDER SEAL

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

APPLE, INC., a California
corporation,

Plaintiff,

vs.

CASE NO.

11-cv-01846-LHK

SAMSUNG ELECTRONICS CO., LTD,
a Korean business entity;

SAMSUNG ELECTRONICS AMERICA,
inc., A New York corporation;

SAMSUNG TELECOMMUNICATIONS
AMERICA, LLC, a Delaware
limited liability company,

Defendants.

_____ /

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF EMILIE KIM

March 7, 2012

Job No. 47152

Reported by: LAURA AXELSEN, CSR NO. 6173

RMR, CRP, CLR

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1 BE IT REMEMBERED THAT, pursuant to Notice and on
2 Wednesday, March 7, 2012 at 9:15 a m. thereof at 555 Twin
3 Dolphin Drive, Redwood Shores, California, before me,
4 LAURA AXELSEN, a Certified Shorthand Reporter, personally
5 appeared
6 EMILIE KIM,
7 called as a witness by the Defendants.
8 ---oOo---
9 APPEARANCES
10 FOR THE PLAINTIFF:
11
12 WILMERHALE
13 BY: VICTOR F. SOUTO, ESQ.
14 DEREK S. LAM, ESQ.
15 399 Park Avenue
16 New York, New York 10022
17
18 There being also present Erica Tierney, Apple
19 in-house counsel, and Tim Zuroff, video operator.
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1 VIDEO OPERATOR: This is the start of disc No. 1 09:13
2 of the videotaped deposition of Emilie Kim in the matter
3 of Apple Incorporated versus Samsung Electronics Company
4 in the U.S. District Court Northern District of
5 California, San Jose division, No. 11 CV 01846 LHK. 09:15
6 This deposition is being held at Quinn Emanuel,
7 555 Twin Dolphin Drive, Redwood Shores, California on
8 March 7th, 2012 at approximately 9:15 a.m.
9 My name is Tim Zuroff. I'm the legal video
10 specialist from TSG Reporting, headquartered at 747 Third 09:15
11 Avenue, New York, New York. The court reporter is Laura
12 Axelsen in association with TSG reporting.
13 Will counsel please introduce yourself.
14 MR. STRETCH: Chris Stretch from Quinn Emanuel
15 Urquhart & Sullivan on behalf of Samsung. 09:15
16 MR. SOUTO: Vic Souto, WilmerHale, on behalf of
17 the witness and Apple, and with me is my colleague, Derek
18 Lam, also of WilmerHale, and Erica Tierney from Apple.
19 VIDEO OPERATOR: Will the court reporter please
20 swear in the witness. 09:16
21 EMILIE KIM
22 having been duly sworn, testified as follows:
23 EXAMINATION BY MR. STRETCH
24 MR. STRETCH: Q. Good morning, Ms. Kim.
25 A. Good morning. 09:16

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8 INDEX OF EXHIBITS
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10 EXHIBIT DESCRIPTION PAGE
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12 Exhibit 1 Samsung's Amended first 30(b)(6) 7
13 Deposition Notice to Apple Inc.
14 (Technical Patent Topics)
15 Exhibit 2 E-mail dated February 23, 2012 to Diane 7
16 Hutnyan from Kolovos, Peter
17 Exhibit 3 Notice of deposition of Emilie Kim 7
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1 Q. Is it Ms. Kim or Mrs. -- 09:16
2 A. Ms. is fine.
3 Q. Ms. Okay. Uhm, have you ever been deposed
4 before?
5 A. No. 09:16
6 Q. Okay. Well welcome to the fray. Uhm, could you
7 state and spell your name for the record, please?
8 A. Emilie Kim, E-m-i-l-i-e, last name Kim, K-i-m.
9 Q. Okay. Let me just -- as I'm sure your attorney
10 has gone over with you about generally what to expect 09:16
11 here, but you understand you've just taken an oath to tell
12 the truth, and it's the same oath as if you were
13 testifying in court. Do you understand that?
14 A. Yes.
15 Q. Okay. Uhm, so as you can see, your testimony -- 09:17
16 my questions and your testimony are being recorded both
17 stenographically and by video. Uhm, it's important for
18 the stenographer to get a verbal response to the question.
19 So then shaking your head or nodding is hard for her to
20 pick up. So if you could verbally respond to my 09:17
21 questions, I appreciate it.
22 For the same reason, it's important that we
23 don't talk over each other. It tends to happen, uhm, uhm,
24 but I will try and wait until you have finished and
25 answered my question before I ask you a follow-up 09:17

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1 question. If you could wait until I'm finished my 09:17
 2 question, give your counsel a chance to object, and then
 3 answer, things will go smoother.
 4 A. Okay.
 5 Q. Okay. If I ask you a question that you don't 09:18
 6 understand, or is not clear to you, just let me know, and
 7 I'll try and rephrase it. I'm not an engineer. So you
 8 know, it's quite likely to happen. But just let me know,
 9 and I'll see if I can form a question that you do
 10 understand. 09:18
 11 As I said, your counsel may object at certain
 12 times, but unless he instructs you not to answer a
 13 question, you can still go ahead and answer. Do you
 14 understand that?
 15 A. Yes. 09:18
 16 Q. Okay. Any time you want to take a break, just
 17 let me know. I'd prefer we do so, uhm, while -- that we
 18 not take a break while a question is pending, but if you
 19 need to talk to your counsel about whether you can
 20 disclose something, that's fine. 09:18
 21 A. Okay.
 22 Q. Any reason you can't give honest complete
 23 truthful testimony here this morning?
 24 A. No.
 25 Q. Okay. I'm going to mark the first two exhibits. 09:19

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1 ask you to look at Exhibit 1, which is the thick document, 09:21
 2 I think, and you can take as much time as you like to look
 3 through it, but I just want to make sure that we're all on
 4 the same page as to the topics on which you're designated
 5 to testify today. Those appear on page 14 of the notice. 09:22
 6 Have you had a chance to look at that?
 7 A. I looked through the document.
 8 Q. Okay. If you will turn to page 14 of the
 9 document and compare that with what I marked, I think, as
 10 deposition Exhibit 2, which is an e-mail designating you 09:24
 11 to testify on certain topics. Uhm, do you understand that
 12 you've been designated by Apple to testify on behalf of
 13 Apple with respect to topics 30, 31, 33, 34, and 36?
 14 MR. SOUTO: Subject to Apple's objections.
 15 THE WITNESS: Yes. 09:25
 16 MR. STRETCH: Q. Okay. Now, uhm, so that
 17 we're all on the same page here, each of these topics asks
 18 about Apple accused products. Uhm, if you could turn to
 19 page 6 of this document, and it's paragraph 28, and by
 20 this document, I mean Exhibit 1. You'll see that 09:25
 21 paragraph 28 provides a definition of Apple accused
 22 products. And you'll see down at the very bottom of that
 23 paragraph it identifies a number of Apple products. Are
 24 you prepared to testify with respect to the topics we've
 25 identified about each of these products that are 09:26

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1 Actually, I think what we'll do is mark the first three 09:19
 2 exhibits. The first is Samsung's amended first 30(b)(6)
 3 deposition notice to Apple, Inc. will be Exhibit 1. And
 4 the court reporter will mark the exhibit that's the copy
 5 you should look at because that will be the official 09:19
 6 record of the deposition. Okay? So wait until she marks
 7 it and you can look at it.
 8 (EXHIBIT 1 WAS MARKED FOR IDENTIFICATION.)
 9 MR. STRETCH: Q. I'm going to mark as
 10 deposition Exhibit 2, an e-mail from Peter Kolovos. Am I 09:20
 11 saying that right?
 12 MR. SOUTO: Kolovos, but that's New Jersey
 13 talking.
 14 MR. STRETCH: Q. To Diane Hutnyan designating
 15 Ms. Kim to testify on certain topics related to the rule 09:20
 16 30(b)(6) notice that we just marked Exhibit 1. So that
 17 will be Exhibit 2.
 18 (EXHIBIT 2 WAS MARKED FOR IDENTIFICATION.)
 19 MR. STRETCH: Q. And finally, I'm going to
 20 mark a Notice of Deposition of Emilie Kim, which we served 09:20
 21 yesterday is my understanding, and that will be Exhibit
 22 No. 3.
 23 (EXHIBIT 3 WAS MARKED FOR IDENTIFICATION.)
 24 THE WITNESS: Excuse me.
 25 MR. STRETCH: Q. Excuse me. Uhm, if I could 09:21

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1 identified here? 09:26
 2 MR. SOUTO: Subject to Apple's objections and
 3 your infringement contentions which identify the
 4 particular products for these patents.
 5 THE WITNESS: Yes. 09:27
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
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 25 [REDACTED] 09:28

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