

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

Charles K. Verhoeven (Bar No. 170151)

2 charlesverhoeven@quinnemanuel.com

50 California Street, 22nd Floor

3 San Francisco, California 94111

Telephone: (415) 875-6600

4 Facsimile: (415) 875-6700

5 Kevin P.B. Johnson (Bar No. 177129)

kevinjohnson@quinnemanuel.com

6 Victoria F. Maroulis (Bar No. 202603)

victoriamaroulis@quinnemanuel.com

7 555 Twin Dolphin Drive, 5th Floor

Redwood Shores, California 94065-2139

8 Telephone: (650) 801-5000

Facsimile: (650) 801-5100

9 Michael T. Zeller (Bar No. 196417)

10 michaelzeller@quinnemanuel.com

865 S. Figueroa St., 10th Floor

11 Los Angeles, California 90017

Telephone: (213) 443-3000

12 Facsimile: (213) 443-3100

13 Attorneys for SAMSUNG ELECTRONICS CO.,

LTD., SAMSUNG ELECTRONICS AMERICA,

14 INC. and SAMSUNG

TELECOMMUNICATIONS AMERICA, LLC

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

18 APPLE INC., a California corporation,

19 Plaintiff,

20 vs.

21 SAMSUNG ELECTRONICS CO., LTD., a

Korean business entity; SAMSUNG

22 ELECTRONICS AMERICA, INC., a New

York corporation; SAMSUNG

23 TELECOMMUNICATIONS AMERICA,

LLC, a Delaware limited liability company,

24 Defendant.

CASE NO. 11-cv-01846-LHK

**DECLARATION OF THOMAS R.
WATSON IN SUPPORT OF OPPOSITION
TO APPLE INC.'S MOTION FOR
ADVERSE INFERENCE JURY
INSTRUCTIONS DUE TO SAMSUNG'S
SPOILIATION OF EVIDENCE**

Date: June 26, 2012

Time: 10:00 a.m.

Place: Courtroom 5, 4th Floor

Judge: Hon. Paul S. Grewal

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2

3
4
5
6
7

8
9
10
11

12
13
14
15

16
17
18

19
20
21
22

23
24

25

26

27

28

1 9. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts from the
2 transcript of the March 3, 2012 deposition of MinHyouk Lee in a related action before the
3 International Trade Commission ("ITC"), Inv. No. 337-TA-796.

4 10. Attached hereto as **Exhibit 9** is a true and correct copy of Samsung's Amended
5 Objections and Response to Apple's Sixty Set of Interrogatories, Interrogatory No. 14 served
6 March 7, 2012.

7 11. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts from the
8 transcript of the March 8, 2012 deposition of Joon-Il Choi.

9 12. Attached hereto as **Exhibit 11** is a true and correct copy of excerpts from the
10 transcript of the March 20, 2012 deposition of Joon-Il Choi in ITC Inv. No. 337-TA-796.

11 13. Attached hereto as **Exhibit 12** is a true and correct copy of excerpts from the
12 transcript of the February 17, 2012 deposition of Don Joo Lee in ITC Inv. No. 337-TA-796.

13 14. Attached hereto as **Exhibit 13** is a true and correct copy of excerpts from the
14 transcript of the March 8, 2012 deposition of Ioi Lam.

15 15. Attached hereto as **Exhibit 14** is a true and correct copy of excerpts from the
16 transcript of the January 14, 2012 deposition of Nara Cho.

17 16. Attached hereto as **Exhibit 15** is a true and correct copy of excerpts from the
18 transcript of the January 14, 2012 deposition of Junho Park.

19 17. Attached hereto as **Exhibit 16** is a true and correct copy of excerpts from the
20 transcript of the February 29, 2012 deposition of Heon-Seok Lee.

21 18. Attached hereto as **Exhibit 17** is a true and correct copy of an excerpt of
22 Deposition Exhibit 1792 marked at the February 29, 2012 deposition of Heon-Seok Lee.

23 19. Attached hereto as **Exhibit 18** is a true and correct copy of excerpts from the
24 transcript of the February 28, 2012 deposition of Dong Sub Kim.

25 20. Attached hereto as **Exhibit 19** is a true and correct copy of excerpts from the
26 transcript of the February 8, 2012, 2012 deposition of Hangil Song in ITC Inv. No. 337-TA-796.

27 21. Attached hereto as **Exhibit 20** is a true and correct copy of excerpts from the
28 transcript of the February 29, 2012 deposition of Hyoung Shin Park.

- 1 22. Attached hereto as **Exhibit 21** is a true and correct copy of excerpts from the
2 transcript of the April 19, 2012 deposition of Seunghwan Cho.
- 3 23. Attached hereto as **Exhibit 22** is a true and correct copy of excerpts from the
4 transcript of the March 1, 2012 deposition of SungSik Lee.
- 5 24. Attached hereto as **Exhibit 23** is a true and correct copy of excerpts from the
6 transcript of the March 21, 2012 deposition of Dong Sub Kim in ITC Inv. No. 337-TA-796.
- 7 25. Attached hereto as **Exhibit 24** is a true and correct copy of excerpts from the
8 transcript of the February 8, 2012 deposition of Hangil Song.
- 9 26. Attached hereto as **Exhibit 25** is a true and correct copy of excerpts from the
10 transcript of the February 7, 2012 deposition of Young Soon Lee.
- 11 27. Attached hereto as **Exhibit 26** is a true and correct copy of excerpts from the
12 transcript of the February 6, 2012 deposition of Joo Hyuk Kang in ITC Inv. No. 337-TA-796.
- 13 28. Attached hereto as **Exhibit 27** is a true and correct copy of excerpts from the
14 transcript of the February 6, 2012 deposition of Kang Hyun Lee in ITC Inv. No. 337-TA-796.
- 15 29. Attached hereto as **Exhibit 28** is a true and correct copy of excerpts from the
16 transcript of the February 20, 2012 deposition of Se-Hyun Cho in ITC Inv. No. 337-TA-796.
- 17 30. Attached hereto as **Exhibit 29** is a true and correct copy of excerpts from the
18 transcript of the March 15, 2012 deposition of Kyu Huyung Lee in ITC Inv. No. 337-TA-796.
- 19 31. Attached hereto as **Exhibit 30** is a true and correct copy of excerpts from the
20 transcript of the March 29, 2012 deposition of Corey Kerstetter.
- 21 32. Attached hereto as **Exhibit 31** is a true and correct copy of excerpts from the
22 transcript of the May 20, 2011 hearing in *Fractus v. Samsung*, Case No. 6:09-cf-203-LED.
- 23 33. Attached hereto as **Exhibit 32** is a true and correct copy of excerpts from the
24 transcript of the February 10, 2012 deposition of Kyu Hyuk Lee in ITC Inv. No. 337-TA-796.
- 25 34. Attached hereto as **Exhibit 33** is a true and correct copy of Samsung's Third
26 Supplemental and Amended Identifications of Custodians, Litigation Hold Notices and Search
27 Terms and Exhibits A through AA to the Identifications, served on May 27, 2012
28

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

3 Executed May 29, 2012, at Redwood Shores, California.

4
5 /s/ Thomas R. Watson
6 Thomas R. Watson
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

GENERAL ORDER ATTESTATION

I, Victoria F. Maroulis, am the ECF user whose ID and password are being used to file the foregoing Declaration. In compliance with General Order 45 (X)(B), I hereby attest that Thomas R. Watson has concurred in this filing.

DATE: May 29, 2012 /s/ Victoria Maroulis