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4	INC. and SAMSUNG TELECOMMUNICATIONS AMERICA, LLC	,
5	TELECOMMONICATIONS AMERICA, LEC	
6	UNITED STATES DISTRICT COURT	
7	NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION	
8	APPLE INC., a California corporation,	CASE NO. 11-cv-01846-LHK
9	Plaintiff,	DECLARATION OF THOMAS R. WATSON IN SUPPORT OF OPPOSITION
20	VS.	TO APPLE INC.'S MOTION FOR
21	SAMSUNG ELECTRONICS CO., LTD., a Korean business entity; SAMSUNG	ADVERSE INFERENCE JURY INSTRUCTIONS DUE TO SAMSUNG'S
22	ELECTRONICS AMERICA, INC., a New	SPOLIATION OF EVIDENCE
23	York corporation; SAMSUNG TELECOMMUNICATIONS AMERICA,	Date: June 26, 2012
24	LLC, a Delaware limited liability company,	Time: 10:00 a.m. Place: Courtroom 5, 4th Floor
25	Defendant.	Judge: Hon. Paul S. Grewal
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DECLARATION OF THOMAS R. WATSON

I, Thomas R. Watson, declare as follows:

- 1. I am a member of the bar of the State of California and an associate with Quinn Emanuel Urquhart & Sullivan LLP, attorneys for Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC. I make this declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and would testify competently thereto.
- 2. Attached hereto as **Exhibit 1** is a true and accurate copy of the Order Denying Complainant Apple Inc.'s Motion for Spoliation Sanctions Against Samsung, Inv. No. 337-TA-796, Order No. 19 (May 11, 2012). The public version of this Order is in the Court's docket. (Dkt. 971.)
- 3. Attached hereto as **Exhibit 2** is a copy of the transcript of a speech by Chief Judge Randall R. Rader, United States Court of Appeals for the Federal Circuit, to the Eastern District of Texas Judicial Conference on September 27, 2011, titled, "The State of Patent Litigation" (available at http://www.patentlyo.com/files/raderstateofpatentlit.pdf).
- 4. Attached hereto as **Exhibit 3** is a true and accurate copy of the E-Discovery Model Order drafted and adopted by the Federal Circuit Advisory Council (available at http://www.cafc.uscourts.gov/images/stories/announcements/Ediscovery_Model_Order.pdf).
- 5. Attached hereto as **Exhibit 4** are two summary-charts titled "Samsung's Responses to Apple's Claims Regarding the Alleged Lack of Email Production Found in the Esther Kim Declaration" and "Samsung's Responses to Apple's Claims Regarding Samsung's Untimely Notices to Preserve Documents."
- 6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the transcript of the March 8, 2012 deposition of Kyu Hyuk Lee.
- 7. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from the transcript of the April 19, 2012 deposition of Won Pyo Hong.
- 8. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts from the transcript of the March 2, 2012 deposition of MinHyouk Lee.

- 9. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts from the transcript of the March 3, 2012 deposition of MinHyouk Lee in a related action before the International Trade Commission ("ITC"), Inv. No. 337-TA-796.
- 10. Attached hereto as **Exhibit 9** is a true and correct copy of Samsung's Amended Objections and Response to Apple's Sixty Set of Interrogatories, Interrogatory No. 14 served March 7, 2012.
- 11. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts from the transcript of the March 8, 2012 deposition of Joon-II Choi.
- 12. Attached hereto as **Exhibit 11** is a true and correct copy of excerpts from the transcript of the March 20, 2012 deposition of Joon-II Choi in ITC Inv. No. 337-TA-796.
- Attached hereto as **Exhibit 12** is a true and correct copy of excerpts from the 13. transcript of the February 17, 2012 deposition of Don Joo Lee in ITC Inv. No. 337-TA-796.
- 14. Attached hereto as Exhibit 13 is a true and correct copy of excerpts from the transcript of the March 8, 2012 deposition of Ioi Lam.
- 15. Attached hereto as **Exhibit 14** is a true and correct copy of excerpts from the transcript of the January 14, 2012 deposition of Nara Cho.
- Attached hereto as **Exhibit 15** is a true and correct copy of excerpts from the 16. transcript of the January 14, 2012 deposition of Junho Park.
- 17. Attached hereto as **Exhibit 16** is a true and correct copy of excerpts from the transcript of the February 29, 2012 deposition of Heon-Seok Lee.
- 18. Attached hereto as **Exhibit 17** is a true and correct copy of an excerpt of Deposition Exhibit 1792 marked at the February 29, 2012 deposition of Heon-Seok Lee.
- 19. Attached hereto as **Exhibit 18** is a true and correct copy of excerpts from the transcript of the February 28, 2012 deposition of Dong Sub Kim.
- 20. Attached hereto as **Exhibit 19** is a true and correct copy of excerpts from the transcript of the February 8, 2012, 2012 deposition of Hangil Song in ITC Inv. No. 337-TA-796.
- 21. Attached hereto as **Exhibit 20** is a true and correct copy of excerpts from the transcript of the February 29, 2012 deposition of Hyoung Shin Park.

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

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed May 29, 2012, at Redwood Shores, California. /s/ Thomas R. Watson Thomas R. Watson

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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

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