

1 MARK D. SELWYN (SBN 244180)
2 mark.selwyn@wilmerhale.com
3 WILMER CUTLER PICKERING
4 HALE AND DORR LLP
5 950 Page Mill Road
6 Palo Alto, California 94304
7 Telephone: (650) 858-6000
8 Facsimile: (650) 858-6100

9
10 UNITED STATES DISTRICT COURT
11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
12

13 *In re* Ex Parte Application of

14 APPLE INC.; APPLE RETAIL GERMANY
15 GMBH; and APPLE SALES
16 INTERNATIONAL,

17 Applicants,

18 For an Order Pursuant to 28 U.S.C. § 1782
19 Granting Leave to Obtain Discovery from
20 Qualcomm Incorporated for Use in Foreign
21 Proceedings.

Case No.:

'12CV0147 LAB POR

**DECLARATION OF CHRISTINE S.
HASKETT IN SUPPORT OF EX
PARTE APPLICATION FOR AN
ORDER PURSUANT TO 28
U.S.C. § 1782 GRANTING LEAVE TO
OBTAIN DISCOVERY FOR USE IN
FOREIGN PROCEEDINGS**

22 I, Christine S. Haskett, an attorney admitted to practice in the State of California,
23 declare as follows:

- 24 1. I am an attorney with Covington & Burling, LLP, counsel to Apple Inc.
25 (“Apple”).
26 2. I am familiar with the facts set forth in this declaration from personal
27 knowledge and documents I have reviewed.
28 3. I submit this declaration in support of Apple’s Ex Parte Application for
an Order Pursuant to 28 U.S.C. § 1782 Granting Leave to Obtain Discovery for Use In Foreign
Proceedings. The application relates to foreign proceedings in Germany before the Mannheim
District Court, the Dusseldorf District Court, and the Higher District Court of Karlsruhe.

1 4. Apple Retail Germany GmbH is the defendant in Case Nos. 4a O 69/11,
2 4a O 116/11, and 4a O 117/11 pending in the Dusseldorf District Court. These actions were all
3 filed by Motorola Mobility, Inc. on April 12, 2011.

4 5. Apple Sales International is the defendant in Case No. 6 U 136/11,
5 pending in the Higher District Court of Karlsruhe and filed on December 14, 2011, which is an
6 appeal of a decision of the Mannheim District Court in Case No. 7 O 122/11, filed by Motorola
7 Mobility, Inc. on April 1, 2011.

8 6. Apple Sales International is the defendant in Case Nos. 7 O 229/11 and 7
9 O 230/11, both filed by Motorola Mobility, Inc. on April 1, 2011 in the Mannheim District
10 Court.

11 7. Apple Inc. is the defendant in Case Nos. 7 O 169/11 and 7 O 443/11, filed
12 by Motorola Mobility, Inc. on April 26, 2011 in the Mannheim District Court.

13 8. The Mannheim and Dusseldorf District Courts determine liability and,
14 upon a finding of infringement, may enter an injunction and order the infringer to pay damages.

15 9. In Cases Nos. 4a O 69/11, 6 U 136/11, 7 O 122/11, 7 O 169/11 Motorola
16 asserts that Apple products infringe European Patent No. EP 1 010 336 (“the ’336 cases”). In
17 Cases Nos. 4a O 117/11, 7 O 230/11, and 7 O 443/11, Motorola asserts that Apple products
18 infringe European Patent No. EP 1 053 613 (“the ’613 cases”).

19 10. Qualcomm Incorporated (“Qualcomm”) is headquartered in San Diego,
20 California, which is within the Southern District of California. *See* 2010 Qualcomm 10K, a true
21 and correct excerpt of which is attached hereto as Exhibit 1.

22 11. Qualcomm is not a party to the German Actions.

23 12. The Apple products accused of patent infringement in the ’336 cases and
24 the ’613 cases contain semiconductor chips manufactured by Qualcomm and its affiliates. The
25 functionalities accused by Motorola in the ’336 cases and the ’613 cases generally relate to the
26 wireless communications chips within the iPhone and iPad, some of which are supplied by
27 Qualcomm.

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13. Attached hereto as Exhibit 2 is a true and correct copy of an April 7, 2011 opinion in *In re Am. Petroleum Institute*, 11-80008-JF (PSG) (N.D. Cal.).

14. Attached hereto as Exhibit 3 is a true and correct copy of a September 19, 2008 opinion in *Mirana v. Battery Tai-Shing Corp.*, No. 08-80142 (N.D. Cal.).

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

Date: January 17, 2012


Christine S. Haskett