

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA**

NOKIA CORPORATION,

Plaintiff,

v.

APPLE INC.,

Defendant.

Civil Action No. 1:11-mc-00295-RLW

Underlying Case in the District of Delaware
Civil Action No. 09-791-GMS
Assigned to: Honorable Gregory M. Sleet

APPLE INC.,

Counterclaim-Plaintiff,

v.

NOKIA CORPORATION and NOKIA INC.,

Counterclaim-Defendants.

DECLARATION OF ROHAN KALE

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I, Rohan Kale, hereby declare as follows:

1. I am an attorney at law licensed to practice before all of the courts of the state of Georgia. I am an associate in the law firm of Alston & Bird LLP, counsel for plaintiff Nokia Corporation (“Nokia”). I have knowledge of all of the following facts and, if called as a witness, could and would competently testify thereto.

2. Attached as Exhibit A is a true and correct copy of Nokia’s October 22, 2009 Complaint for Patent Infringement filed against Apple, Inc. in the United States District Court for the District of Delaware.

3. Attached as Exhibit B is a true and correct copy of Apple’s December 11, 2009 Answer and Counterclaims filed against Nokia.

4. Attached as Exhibit C are true and accurate copies of initial office action rejections issued by the United States Patent and Trademark Office with respect to US Patents 5,455,854 and 5,315,703.

5. Attached as Exhibit D are the reexamination interview summaries for US Patents 5,315,703 and 5,455,854. It is my understanding that the interviews were attended by Robert Sterne, Glenn Perry, Richard Coller, and Salvatore Bezos from the law firm Sterne, Kessler, Goldstein, and Fox LLP. It is also my understanding that these attorneys are not currently representing Apple in the ongoing litigation between Apple and Nokia.

6. Attached as Exhibit E are true and correct copies of the subpoenas issued by this Court in connection with the above referenced action, and which Nokia served on Messrs Robert Sterne, Glenn Perry, Richard Coller, and Sal Bezos on March 25, 2011.

7. Attached as Exhibit F are true and correct copies of the proofs of service for the subpoenas issued by this Court in connection with the above reference action.

8. Attached as Exhibit G is a true and correct copy of a letter dated April 8, 2011 from Byron Pickard, counsel for Sterne, Kessler, Goldstein, and Fox LLP, to me. This letter contains the objections of Messrs. Sterne, Perry, Coller, and Bezos to Nokia's subpoenas (Ex. E).

9. On April 13, 2011, I conferred telephonically with Byron Pickard regarding the deposition subpoenas issued by this Court. During the conversation, Mr. Pickard and I disagreed on the relevancy of the deposition testimony and whether it would touch on matters protected by attorney-client privilege. I explained that Messrs. Sterne, Perry, Coller, and Bezos were present at the reexamination interviews of two of the patents at suit in the ongoing Delaware litigation and as such have personal knowledge as to the non-privileged details that transpired. Mr. Pickard refused to provide alternative dates for depositions and instead offered to provide a Rule 30(b)(6) corporate designee to testify on narrowly designated topics.

10. On April 14, 2011, I notified Mr. Pickard that testimony from a Rule 30(b)(6) corporate designee as an alternative to testimony from the subpoenaed witnesses is unacceptable to Nokia and again requested alternative deposition dates. On April 19, 2011, Mr. Pickard informed me that the witnesses would not appear on the dates specified on the subpoenas.

11. On April 29, 2011, I made a final attempt to obtain alternative deposition dates by sending another email to Mr. Pickard. I notified Mr. Pickard of Nokia's intent to seek judicial enforcement of the subpoenas if we did not receive proposed dates.

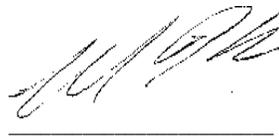
12. Attached as Exhibit H is a true and correct copy of the email correspondence between Mr. Pickard and myself from April 8, 2011 to April 29, 2011.

13. On May 4, 2011, Mr. Pickard indicated his belief that Nokia is not entitled to depose Apple's attorneys and provided a list of objections. Mr. Pickard further requested that Nokia withdraw the subpoenas.

14. On May 5, 2011, I communicated, to Mr. Pickard, my disappointment by their refusal to comply with the subpoenas and responded to the list of objections from his May 4 email. I again told Mr. Pickard that the subpoenas seek deposition testimony that relates to highly relevant, non-privileged testimony that directly affects the patents involved in the Delaware litigation. I also explained that the details of the events at the reexamination interview are not in the public domain and Nokia is entitled to depose everyone who was present at the reexamination interviews. I also stated that Nokia has never withdrawn the subpoenas to Messrs. Sterne, Perry, Coller, and Bezos.

15. Attached as Exhibit I is a true and correct copy of the final email correspondence between Mr. Pickard and myself from May 4, 2011 to May 5, 2011.

Dated: June 3, 2011



Rohan Kale