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12	Counterclaim-Defendant APPLE INC.	
13	UNITED STATES D	ISTRICT COURT
14	NORTHERN DISTRIC	T OF CALIFORNIA
15	SAN JOSE I	DIVISION
16		
17	APPLE INC., a California corporation,	Case No. 11-cv-01846-LHK (PSG)
18	Plaintiff,	DECLARATION OF S. CALVIN WALDEN IN SUPPORT OF
19	v.	<b>APPLE'S MOTION TO COMPEL</b>
20	SAMSUNG ELECTRONICS CO., LTD., A Korean business entity; SAMSUNG	DEPOSITIONS OF 14 OF SAMSUNG'S PURPORTED "APEX" WITNESSES
21	ELECTRONICS AMERICA, INC., a New York corporation; SAMSUNG	
22	TELECOMMUNICATIONS AMERICA, LLC, a Delaware limited liability company.,	Date: February 28, 2012 Time: 10:00 a.m.
23	Defendants.	Place: Courtroom 5, 4th Floor Judge: Hon. Paul S. Grewal
24	Defendants.	Judge. Holl. I auf S. Ofewal
25		
26		
27	SUBMITTED U	INDEK SEAL
28		
II	WALDEN DECL. ISO APPLE'S MOTION TO COMPEL DEPOSITIO CASE NO. 11-CV-01846-LHK (PSG)	ONS OF 14 PURPORTED "APEX" WITNESSES

sf-3108220

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1 2 I, S. Calvin Walden, declare as follows:

1. I am a partner in the law firm of WilmerHale, counsel for Apple Inc. ("Apple"). I 3 am licensed to practice law in the State of New York, and am admitted *pro hac vice* in this case. 4 Unless otherwise indicated, I have personal knowledge of the matters stated herein or understand 5 them to be true from members of my litigation team. I make this Declaration in support of 6 Apple's Motion to Compel Depositions of 14 of Samsung's Purported "Apex" Witnesses 7 ("Motion to Compel").

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2. Apple has agreed to make available for deposition its two most senior licensing 9 employees -B.J. Watrous (Vice President & Chief IP Counsel) and Boris Teksler (Director, 10 Patent Licensing & Strategy) – and its former Senior Director of Patents Richard Lutton. The 11 depositions of Mr. Watrous and Mr. Teksler are scheduled on March 8, 2012 and February 21, 12 2012, respectively. The parties are currently discussing a date for Mr. Lutton's deposition.

13 3. In an effort to identify potential deponents, Apple served Samsung with an 14 interrogatory seeking the names of the five Samsung individuals with the most knowledge about 15 the negotiations for and royalties received under Samsung's licenses with other parties for UMTS declared-essential patents, Samsung's IPR disclosure practices, and Samsung's actions in 3GPP 16 17 standards setting organizations. Samsung did not provide any names in response. Samsung 18 objected and indicated that its investigation is ongoing, and it would supplement its response. 19 Samsung has not supplemented its response to provide this information.

20 4. Samsung did not begin producing documents relating to licensing and standards 21 topics until after Judge Grewal issued his "Order Re Discovery Motions" on January 27, 2012.

- 22 5. Attached hereto as **Exhibit 1** is a true and correct copy of a press release from 23 Samsung entitled, "Samsung Electronics and Intellectual Ventures Enter Into License
- 24 Agreement," dated November 18, 2010.
- 25 6. Attached hereto as **Exhibit 2** is a true and correct copy of selections from the 26 rough deposition transcript of Seongwoo Kim dated February 13, 2012.
- 7. 27 Attached hereto as **Exhibit 3** is a true and correct copy of selections from the 28 deposition of Juho Lee dated December 3, 2011.

WALDEN DECL. ISO APPLE'S MOTION TO COMPEL DEPOSITIONS OF 14 PURPORTED "APEX" WITNESSES Case No. 4:11-cv-01846-LHK sf-3108220

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1	8. Attached hereto as <b>Exhibit 4</b> is a true and correct copy of selections from the
2	deposition of Young-Bum Kim dated November 11, 2011.
3	9. Attached hereto as <b>Exhibit 5</b> is a true and correct copy of selections from the
4	deposition of Jae-Seung Yoon dated December 3, 2011.
5	10. Attached hereto as <b>Exhibit 6</b> is a true and correct copy of selections from the
6	deposition of Hyeon-Woo Lee dated November 13, 2011.
7	11. Attached hereto as <b>Exhibit 7</b> is a true and correct copy of the document produced
8	by Apple beginning with Bates number APLNDC00001029, an email chain from October 2010
9	between Chip Lutton and Seungho Ahn.
10	12. Attached hereto as <b>Exhibit 8</b> is a true and correct copy of the document produced
11	by Apple beginning with Bates number APLNDC00001064, an email dated February 23, 2011
12	from K.J. Kim to Chip Lutton.
13	13. Attached hereto as <b>Exhibit 9</b> is a true and correct copy of the document produced
14	by Apple beginning with Bates number APLNDC00001065, an email dated March 14, 2011 from
15	Ken Korea to Chip Lutton.
16	14. Attached hereto as <b>Exhibit 10</b> is a true and correct copy of the document produced
17	by Apple beginning with Bates number APLNDC00001066, an email dated April 5, 2011 from
18	Ken Korea to Chip Lutton.
19	15. Attached hereto as <b>Exhibit 11</b> is a true and correct copy of the document produced
20	by Apple beginning with Bates number APLNDC-WH-A 0000009415 a Samsung IPR
21	Information Statement and Licensing Declaration Forms dated May 16, 2006.
22	16. Attached hereto as <b>Exhibit 12</b> is a true and correct copy of the document produced
23	by Samsung beginning with Bates number S-794-ITC-005517177 a Samsung IPR Information
24	Statement and Licensing Declaration Forms dated August 7, 2007.

- 25 17. Attached hereto as Exhibit 13 is a true and correct copy of the document produced
- by Apple beginning with Bates number APLNDC-WH-A 0000009482 a Samsung IPR 26
- Information Statement and Licensing Declaration Forms dated July 24, 2008. 27
- 28

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1	18. Attached hereto as <b>Exhibit 14</b> is a true and correct copy of the document produced
2	by Samsung beginning with Bates number S-ITC-000062513 a Samsung IPR Information
3	Statement and Licensing Declaration Forms dated July 25, 2006.
4	19. Attached hereto as <b>Exhibit 15</b> is a true and correct copy of the document produced
5	by Samsung beginning with Bates number S-794-ITC-005516971 a Samsung IPR Information
6	Statement and Licensing Declaration Forms dated September 15, 2009.
7	20. Attached hereto as <b>Exhibit 16</b> is a true and correct copy of the document produced
8	by Samsung beginning with Bates number S-794-ITC-005517233 a Samsung IPR Information
9	Statement and Licensing Declaration Forms dated September 5, 2008.
10	21. Attached hereto as <b>Exhibit 17</b> is a true and correct copy of the document produced
11	by Samsung beginning with Bates number S-794-ITC-005517237 a Samsung IPR Information
12	Statement and Licensing Declaration Forms dated December 4, 2009.
13	22. Attached hereto as <b>Exhibit 18</b> is a true and correct copy of the document produced
14	by Samsung beginning with Bates number S-794-ITC-005517243 a Samsung IPR Information
15	Statement and Licensing Declaration Forms dated September 21, 2009.
16	23. Attached hereto as <b>Exhibit 19</b> is a true and correct copy of the document produced
17	by Samsung beginning with Bates number S-794-ITC-005517315 a Samsung IPR Information
18	Statement and Licensing Declaration Forms dated December 30, 2008.
19	24. Attached hereto as <b>Exhibit 20</b> is a true and correct copy of the document produced
20	by Samsung beginning with Bates number S-794-ITC-005517350 a Samsung IPR Information
21	Statement and Licensing Declaration Forms dated January 30, 2008.
22	25. Attached hereto as <b>Exhibit 21</b> is a true and correct copy of selections from the
23	deposition of Soeng-Hun Kim dated November 11, 2011.
24	26. Attached hereto as <b>Exhibit 22</b> is a true and correct copy of the document produced
25	by Samsung beginning with Bates number S-794-ITC-005215292, an email dated February 21,
26	2006 from Paul Zeineddin to Seunggun Park among others.
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	WALDEN DECL. ISO APPLE'S MOTION TO COMPEL DEPOSITIONS OF 14 PURPORTED "APEX" WITNESSES

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1	27. Attached hereto as <b>Exhibit 23</b> is a true and correct copy of the document produced
2	by Samsung beginning with Bates number S-794-ITC-003061294, Summary of September 7,
3	2000 Motorola Meeting in Washington D.C. listing Seung-Gun Park as an attendee.
4	28. Attached hereto as <b>Exhibit 24</b> is a true and correct copy of the document produced
5	by Samsung beginning with Bates number S-794-ITC-005216179, a letter from Siemens to
6	Seung-Gun Park dated December 12, 2001.
7	29. Attached hereto as <b>Exhibit 25</b> is a true and correct copy of the document produced
8	by Samsung beginning with Bates number S-794-ITC-005518865, the transcript of a deposition
9	given by Seung Gun Park dated March 13, 2007.
10	30. I declare under penalty of perjury that the foregoing is true and correct to the best
11	of my knowledge. Executed this February 16, 2012 at New York, New York.
12	<u>/s/ S. Calvin Walden</u> S. Calvin Walden
13	5. Carvin Walden
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28	Walden Decl. ISO Apple's Motion to Compel Depositions of 14 Purported "Apex" Witnesses

Image: Note of the state o		Case5:11-cv-01846-LHK Document2019 Filed10/02/12 Page6 of 6
1, Michael A. Jacobs, am the ECF User whose ID and password are being used to file this   Declaration. In compliance with General Order 45, X.B., I hereby attest that S. Calvin Walden   has concurred in this filing.   Dated: February 16 2012 <u>A/Michael A. Jacobs</u> Michael A. Jacobs		
3 Declaration. In compliance with General Order 45, X.B., I hereby attest that S. Calvin Walden   4 has concurred in this filing.   5 Dated: February 16 2012 <u>/s/Michael A. Jacobs</u> 6 Michael A. Jacobs   7 Michael A. Jacobs   8 Michael A. Jacobs   9 Michael A. Jacobs   10 Michael A. Jacobs   11 Michael A. Jacobs   12 Michael A. Jacobs   13 Michael A. Jacobs   14 Michael A. Jacobs   15 Michael A. Jacobs   16 Michael A. Jacobs   17 Michael A. Jacobs   18 Michael A. Jacobs   19 Michael A. Jacobs   10 Michael A. Jacobs   11 Michael A. Jacobs   12 Michael A. Jacobs   13 Michael A. Jacobs   14 Michael A. Jacobs   15 Michael A. Jacobs   16 Michael A. Jacobs   17 Michael A. Jacobs   18 Michael A. Jacobs   19 Michael A. Jacobs	1	ATTESTATION OF E-FILED SIGNATURE
4 has concurred in this filing.   5 Dated: February 16 2012   ////////////////////////////////////	2	I, Michael A. Jacobs, am the ECF User whose ID and password are being used to file this
5 Dated: February 16 2012 <u>Michael A. Jacobs</u> 6 Michael A. Jacobs   7 Michael A. Jacobs   8 Michael A. Jacobs   9 Michael A. Jacobs   10 Michael A. Jacobs   11 Michael A. Jacobs   12 Michael A. Jacobs   13 Michael A. Jacobs   14 Michael A. Jacobs   15 Michael A. Jacobs   16 Michael A. Jacobs   17 Michael A. Jacobs   18 Michael A. Jacobs   19 Michael A. Jacobs   20 Michael A. Jacobs   21 Michael A. Jacobs   22 Michael A. Jacobs   23 Michael A. Jacobs   24 Michael A. Jacobs   25 Michael A. Jacobs   26 Michael A. Jacobs   27 Michael A. Jacobs   28 Michael A. Jacobs   29 Michael A. Jacobs   21 Michael A. Jacobs   22 Michael A. Jacobs   23 Michael A. Jacobs   24 M	3	Declaration. In compliance with General Order 45, X.B., I hereby attest that S. Calvin Walden
Michael A. Jacobs Michael A. Jacobs Michael A. Jacobs Michael A. Jacobs	4	has concurred in this filing.
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