

1 HAROLD J. MCELHINNY (CA SBN 66781)  
 hmcclhinny@mofo.com  
 2 MICHAEL A. JACOBS (CA SBN 111664)  
 mjacobs@mofo.com  
 3 JENNIFER LEE TAYLOR (CA SBN 161368)  
 jtaylor@mofo.com  
 4 ALISON M. TUCHER (CA SBN 171363)  
 atucher@mofo.com  
 5 RICHARD S.J. HUNG (CA SBN 197425)  
 rhung@mofo.com  
 6 JASON R. BARTLETT (CA SBN 214530)  
 jasonbartlett@mofo.com  
 7 MORRISON & FOERSTER LLP  
 425 Market Street  
 8 San Francisco, California 94105-2482  
 Telephone: (415) 268-7000  
 9 Facsimile: (415) 268-7522

WILLIAM F. LEE  
 william.lee@wilmerhale.com  
 WILMER CUTLER PICKERING  
 HALE AND DORR LLP  
 60 State Street  
 Boston, MA 02109  
 Telephone: (617) 526-6000  
 Facsimile: (617) 526-5000

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

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 11 Attorneys for Plaintiff and  
 Counterclaim-Defendant APPLE INC.

12  
 13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN JOSE DIVISION

17 APPLE INC., a California corporation,  
 18 Plaintiff,  
 19 v.  
 20 SAMSUNG ELECTRONICS CO., LTD., A  
 Korean business entity; SAMSUNG  
 21 ELECTRONICS AMERICA, INC., a New York  
 corporation; SAMSUNG  
 22 TELECOMMUNICATIONS AMERICA, LLC, a  
 Delaware limited liability company.,  
 23 Defendants.

Case No. 11-cv-01846-LHK (PSG)

**DECLARATION OF S. CALVIN  
 WALDEN IN SUPPORT OF  
 APPLE'S MOTION TO COMPEL  
 DEPOSITIONS OF 14 OF  
 SAMSUNG'S PURPORTED  
 "APEX" WITNESSES**

Date: February 28, 2012  
 Time: 10:00 a.m.  
 Place: Courtroom 5, 4th Floor  
 Judge: Hon. Paul S. Grewal

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 25  
 26 **SUBMITTED UNDER SEAL**  
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1 I, S. Calvin Walden, declare as follows:

2 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”).

8 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  
16 declared-essential patents, Samsung’s IPR disclosure practices, and Samsung’s actions in 3GPP  
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.

27 7. Attached hereto as **Exhibit 3** is a true and correct copy of selections from the  
28 deposition of Juho Lee dated December 3, 2011.

1           8.       Attached hereto as **Exhibit 4** 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 **Exhibit 5** 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 **Exhibit 6** 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 **Exhibit 7** 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 **Exhibit 8** 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 **Exhibit 9** 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 **Exhibit 10** 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 **Exhibit 11** 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 **Exhibit 12** 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  
26 by Apple beginning with Bates number APLNDC-WH-A 0000009482 a Samsung IPR  
27 Information Statement and Licensing Declaration Forms dated July 24, 2008.

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1           18.     Attached hereto as **Exhibit 14** 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 **Exhibit 15** 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 **Exhibit 16** 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 **Exhibit 17** 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 **Exhibit 18** 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 **Exhibit 19** 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 **Exhibit 20** 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 **Exhibit 21** 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 **Exhibit 22** 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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**ATTESTATION OF E-FILED SIGNATURE**

I, 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

/s/ Michael A. Jacobs  
Michael A. Jacobs