

EXHIBIT 25

FILED UNDER SEAL

UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, D.C.

Before the Honorable Paul J. Luckern

In the Matter of:)
CERTAIN WIRELESS COMMUNICATION)
EQUIPMENT, ARTICLES THEREIN,) Investigation No.
AND PRODUCTS CONTAINING THE SAME) 337-TA-577
_____)

DESIGNATED CONFIDENTIAL

UNDER PROTECTIVE ORDER

Deposition of SEUNG GUN PARK

March 13, 2007 at 9:17 a.m.

Taken at:

The Law Offices of Kirkland & Ellis

555 California Street, Suite 2700

San Francisco, California

Reported By: Denise Wheeler, C.S.R. No. 8254

1
 2 A P P E A R A N C E S
 3 For the Claimant Samsung Electronics:
 4 KIRKLAND & ELLIS
 5 153 East 53rd Street
 6 New York, New York, 10022-4611
 7 BY: GREGORY S. AROVAS, Attorney at Law
 8
 9 For the Respondent Sony Ericsson:
 10
 11 MORGAN & FINNEGAN
 12 3 World Financial Center
 13 New York, New York 10281-2101
 14 BY: MICHAEL O. CUMMINGS, Attorney at Law
 15
 16 ALSO PRESENT: Seung Gun Park, Deponent
 17 Phyllis Kim, Interpreter of Record
 18 Sungho Hong, PhD, Morgan & Finnegan
 19 Henry Lee, Videographer
 20 DENISE WHEELER, Court Reporter
 21
 22
 23
 24
 25
 Page 2

1
 2 INDEX
 3
 4 EXAMINATION BY PAGE
 5 MR. CUMMINGS 5
 6
 7 ----oOo----
 8 EXHIBIT'S
 9 NUMBER PAGE
 10 S. G. Park 1 Korean Progress Results, November 67
 11 22, 2004, Bates numbers SS03146791
 12 through 46793
 13 S. G. Park 2 Email from Heung Mo Lee to 75
 14 John Han, Bates numbers
 15 01614020 through 4024
 16 S. G. Park 3 Ericsson and Samsung Cross-License 82
 17 Renewal Discussion, March 29-30, 2005
 18 Bates numbers SS03146955 through 46970
 19 S. G. Park 4 Korean Document, Bates numbers Off Record
 20 SS03146976 through 46985
 21 S. G. Park 5 Summarization of July and September 111
 22 meetings, Bates numbers SS03146843
 23 through 46844
 24 S. G. Park 6 Result of January 16, 2006 meeting, 116
 25 Bates numbers SS03146989 and 46990
 Page 3

1 THE VIDEOGRAPHER: Good morning.
 2 This is the beginning of videotape number one --
 3 one in one in the deposition of Seung Gun Park in the matter
 4 of Certain Wireless Communication Equipment, Articles
 5 Therein and Product Containing Same in the court --
 6 International Trade Commission. The case number of which is
 7 337 dash TA dash 577.
 8 Today's date is March 13, 2007. The time now is
 9 9:17 a.m.
 10 This deposition is being taken at 555 California
 11 Street, 27th Floor, San Francisco, California, 94104, and
 12 was made at the request of the respondent represented by the
 13 law office of Morgan and Finnegan.
 14 The court reporter producing the official
 15 transcript of today's testimony is Denise Wheeler of Henjum
 16 Goucher Reporting Services.
 17 The videographer is Henry Lee representing Henjum
 18 Goucher Reporting Services, 2501 Oaklawn Avenue, Suite 435,
 19 Dallas, Texas, 75219. Phone number (888)656-3376.
 20 Would counsel please identify yourself and state
 21 whom you represent?
 22 MR. CUMMINGS: Michael Cummings of Morgan &
 23 Finnegan representing respondents Ericsson and Sony
 24 Ericsson.
 25 MR. AROVAS: Greg Arovas from Kirkland & Ellis
 Page 4

1 representing Samsung.
 2 THE VIDEOGRAPHER: Would the court reporter please
 3 swear in the witness and the interpreter.
 4 (Whereupon the interpreter was sworn in to
 5 translate from the English language to the Korean
 6 language and the Korean language to the English
 7 language.)
 8 SEUNG GUN PARK,
 9 having been duly sworn, testified as follows:
 10 THE VIDEOGRAPHER: Please proceed.
 11 EXAMINATION BY:
 12 MR. CUMMINGS: Q. Good morning, Mr. Park.
 13 Mr. Park, could you please state your name for the
 14 record?
 15 A. (Through interpreter) Yes. My name is Seung Gun
 16 Park.
 17 Q. And what is your address?
 18 A. My personal address?
 19 Q. Yes.
 20 A. Apartment Number 110-8021162 Boun-Dong -- that's
 21 B-O-U-N-G dash D-O-N-G -- Ki Heung-Gu, K-I H-E-U-N-G, dash
 22 G-U, Yong In-Si, Y-O-N-G I-N dash S-I, Kyoung Gi-Do,
 23 K-Y-O-U-N-G G-I dash D-O Republic of Korea.
 24 Q. Mr. Park, what is your current job position and
 25 title?
 Page 5

1 A. I am a vice president at Samsung Electronics.
 2 Q. Have you ever had your deposition taken before?
 3 A. No.
 4 Q. Do you understand that you are under oath today,
 5 and that you are obligated to provide correct and complete
 6 answers to my questions?
 7 A. Yes.
 8 Q. Okay. And I ask if you do not understand any of my
 9 questions, please let me know, and I will try and clarify.
 10 A. (Nodding head)
 11 Q. Mr. Park, what did you do to prepare for your
 12 deposition today?
 13 MR. AROVAS: I'm going to caution the witness not
 14 to reveal any privileged information.
 15 But you are free to mention that you met with
 16 anybody and identify any individuals you met with.
 17 A. Yes, I met with attorneys Perry and Mr. Greg here.
 18 MR. CUMMINGS: Q. Did you meet with anybody else?
 19 A. (Through interpreter) No.
 20 Q. And did you review any documents?
 21 A. I cannot quite recall.
 22 Q. Mr. Park, could you please describe your college or
 23 university level of education?
 24 A. I graduated from Seoul National University in South
 25 Korea.

1 Q. And what degree did you graduate with?
 2 A. Yes, I received it in electronics engineering.
 3 Q. And that was a bachelor's degree?
 4 A. Yes.
 5 Q. And what year did you receive that degree?
 6 A. It was in year 1980.
 7 Q. Have you pursued any graduate studies?
 8 A. No, I did not.
 9 Q. Could you very briefly describe your employment
 10 history since your graduation?
 11 A. I served in military for two years after my
 12 graduation, and I came back to Samsung Electronics in 1982.
 13 Since then, I've been working for Samsung
 14 Electronics.
 15 Q. Well, what positions have you -- have you held at
 16 Samsung?
 17 A. You mean the entire positions until now?
 18 Q. Well, maybe it might be better if -- if we worked
 19 backward.
 20 You are currently a vice president of Samsung,
 21 correct?
 22 A. Yes.
 23 Q. Okay. And what is your department -- or what group
 24 or what department are you in at Samsung?
 25 A. I am working for the IPRT, the Intellectual

1 Property Right Team, in telecommunication network division
 2 in Samsung Electronics.
 3 Q. And as vice president you're the head of that team,
 4 correct?
 5 A. Yes, the IPR team in TN division.
 6 Q. TN division? That stand for -- what does TN stand
 7 for?
 8 A. Telecommunication network.
 9 Q. How long have you been in that position?
 10 A. You mean vice president?
 11 Q. Yes.
 12 A. It's been a little over three years.
 13 Q. Before you were vice president, what was your
 14 position?
 15 A. I was a senior manager.
 16 Q. Also in the IPR team?
 17 A. Well, recently I was with IPR team.
 18 Q. Originally?
 19 THE INTERPRETER: Recently.
 20 MR. CUMMINGS: Q. Recently.
 21 Well, how long have you been with the IPR team?
 22 A. You mean as senior manager?
 23 Q. Altogether.
 24 A. It's been seven years.
 25 Q. Seven years.

1 Before you were with the IPR team, what group or
 2 department were you in at Samsung?
 3 A. I was working for the business planning in
 4 telecommunication network division.
 5 Q. And how long were you with business planning in
 6 telecommunication networks?
 7 A. I believe about three and a half years.
 8 Q. And before that, what group or department were you
 9 in?
 10 A. I have been -- I was dispatched to Japan.
 11 Q. And what was your position in Japan?
 12 A. At first I was manager. But when I came back, I
 13 was assistant senior manager.
 14 Q. How long were you in Japan?
 15 A. Roughly, a little less than seven years, I believe.
 16 Q. Okay. And what areas were you working on when you
 17 were in Japan?
 18 A. Planning and investigation.
 19 Q. What activities did you engage in as part of
 20 doing -- as part of investigations?
 21 A. For example, mainly market research.
 22 Q. I see.
 23 When you joined the IPR team, what was your first
 24 position?
 25 A. At first I was the senior manager in charge.

1 case -- to ensure that the duty -- Samsung's duty of
 2 disclosure is met with respect to US patent prosecution?
 3 A. (Through interpreter) I'm not too sure to that
 4 extent because that's actually working level. So I am not
 5 actually directly involved in it.
 6 Q. Do you have any awareness of -- of what is done in
 7 the IPR team to ensure that the duty of disclosure is met?
 8 A. No.
 9 Q. From other depositions, I understand that there is
 10 a computer system that is used among the IPR team for
 11 keeping track of prosecution files; is that correct?
 12 A. I know there is computer system. However, I don't
 13 know as to the content in detail.
 14 Q. Do you know when the IPR team began using this
 15 system?
 16 A. The degrees may vary. However, it was already
 17 being used when I got here.
 18 Q. Is -- as I understand it, the current system -- and
 19 let me know if I'm wrong -- that the current system that the
 20 outside Korean agents, their computers are connected to the
 21 system, and that they can make entries into the system?
 22 I want -- is that correct?
 23 A. Because in Korea we use electronic filing system in
 24 order to prevent carrying the documents back and forth, back
 25 and forth many times in order -- for example, in order to

Page 62

1 review the application draft, I believe we used the system.
 2 And I think it contains only what happens in regards to the
 3 agent's office such as the dates relating to the prosecution
 4 of application, for example, when it was filed.
 5 So I don't think it includes the whole thing. I --
 6 rather I think it only includes the limited information as
 7 to limited class, but I'm not sure about detailed
 8 information.
 9 Q. For example, are -- are you aware whether or not if
 10 a Korean patent agent firm receives an office action,
 11 they're -- they're able to enter that office action into
 12 their system at their office, and then the IPR team member
 13 is then able to electronically access that office action?
 14 A. I'm not too sure to that extent.
 15 Q. Does -- in the IPR team offices do -- for patent
 16 prosecution of files, does the IPR team currently maintain
 17 paper records concerning prosecution files?
 18 A. Are you talking about Korea or foreign?
 19 Q. For both.
 20 A. In my recollection I don't believe we hardly ever
 21 keep any hard copies because, in case of Korea, we do
 22 everything relating to the prosecution electronically.
 23 Q. Do you recall was there a time when the IPR team
 24 switched from keeping hard copies to keeping electronic
 25 copies?

Page 63

1 A. When I got here, people were working on that
 2 process.
 3 Q. Do you recall when they -- when the process was
 4 implemented?
 5 A. I'm not sure which one you mean -- you mean the
 6 electrical filing or the timeframe when we switched from
 7 hard copy to electronic files.
 8 Q. The time switching from hard copy to electronic
 9 files.
 10 A. I think in case of Korea the completion was about
 11 three years ago.
 12 Q. How about in the case with foreign filings?
 13 A. Well, currently the foreign countries have not
 14 adopted the electronic filing systems, so I believe we
 15 cannot file an application electronically.
 16 So I don't think there is any overall electrical
 17 filing system in place right now.
 18 Q. For example, if you receive an office action from a
 19 foreign jurisdiction, is that office action kept
 20 electronically or in hard copy, or I guess in both by the
 21 IPR team?
 22 A. I'm not sure exactly. However, in my understanding
 23 everything is scanned and put into the database just in case
 24 the system is changed to the electrical system.
 25 Q. When did you begin scanning the documents to put in

Page 64

1 a database?
 2 A. I believe it's been more than six years.
 3 Q. Returning to the -- the IPR Planning Group, I know
 4 that you had earlier testified that the IPR Planning Group
 5 deals with claims being made against Samsung and asserting
 6 of any patents back against such parties; that's correct?
 7 A. Yes.
 8 Q. And so is that also, I take it, includes
 9 negotiations for licenses, correct?
 10 A. Yes.
 11 Q. Prior to becoming the -- joining the IP -- the IPR
 12 team, in your career at Samsung, in what other positions
 13 have you been involved with license -- patent licensing
 14 negotiations or otherwise claims -- patent claims made
 15 against Samsung or asserting claims by Samsung?
 16 A. You mean before I came to this IPR team?
 17 Q. Yes.
 18 A. I didn't.
 19 Q. Okay. You were involved with the licensing
 20 negotiations between Samsung and Ericsson that have led up
 21 to this -- or that have preceded this lawsuit, correct?
 22 A. Not the whole but in part.
 23 Q. In which parts have you been involved in?
 24 A. You mean this negotiations or the earlier
 25 negotiations?

Page 65

1 Q. Well, what -- let me ask you what you mean by the
2 earlier negotiations?
3 A. The first agreement.
4 Q. The first agreement. The first agreement that was
5 reached in 2001, I believe?
6 A. Yes.
7 Q. Were you involved in the negotiations for the first
8 agreement?
9 A. Partly.
10 Q. And in which part of those negotiations were you
11 involved?
12 A. Business negotiations.
13 Q. And by business negotiation do you distinguish that
14 from technical negotiations?
15 A. Yes.
16 Q. Briefly, what's your -- your understanding of the
17 difference between the technical negotiations and the
18 business negotiations?
19 A. The technical negotiation involves the meetings
20 where both parties argue the infringement or noninfringement
21 of the patents they assert, to each other, so -- in order to
22 argue the invalidity.
23 And the business negotiations would be the meetings
24 we conduct in order to agree upon the terms and conditions
25 of the agreement.

Page 66

1 Q. And the agreement that was negotiated -- agreed to
2 in 2001 was set to expire at the end of 2005, correct?
3 A. Yes.
4 Q. Okay. And so the -- you were also involved in the
5 agreements concerning a potential new license after the
6 first license expired, correct?
7 A. Yes, in part.
8 Q. And, again, what was the parts of the second
9 licensing negotiation were you involved?
10 A. I participated in the first stage of the
11 negotiations where we discussed how we are going to proceed
12 with the negotiations in the future.
13 Afterwards I did not involve in the technical
14 negotiations that followed.
15 And then after went into the stage of business
16 negotiation, I believe we had a meetings about twice. My
17 recollection is not entirely clear.
18 And after the negotiation broke down, I believe it
19 was in the beginning of this year, I was not involved in the
20 negotiations any more since then.
21 MR. CUMMINGS: This is our first exhibit. Mark as
22 S. K. Park 1 -- excuse me -- S. G. Park, sorry.
23 (Defendant's Exhibit No. S. G. Park 1 was marked
24 for identification.)
25 MR. AROVAS: Did you bring translations? I know

Page 67

1 you have one. Did you have copies of translations?
2 MR. CUMMINGS: No. You know, I didn't get official
3 translations made.
4 I can, you know -- maybe I can run out and get you
5 some -- I don't mind you seeing them. I can get some made.
6 Except we're not happy with our translator. They made some
7 errors. It's not an official translation.
8 MR. AROVAS: Well, I -- can I just see that
9 briefly, take a quick look at the document, and we'll just
10 share it.
11 THE INTERPRETER: Counsel, before we do that, can
12 we take a short break?
13 MR. CUMMINGS: Yeah, take a break.
14 THE VIDEOGRAPHER: Off the record. This is the end
15 of tape number three.
16 The time now is 2:10 p.m.
17 (Break.)
18 THE VIDEOGRAPHER: We are back on record.
19 This is the beginning of tape number four. The
20 time now is 2:24 p.m.
21 MR. CUMMINGS: Q. Okay. Getting back to the
22 first exhibit that we've entered, it has Bates numbers --
23 and I apologize that the lower third of the number is cut
24 off, but it's SS03146791 through 46793.
25 Mr. Park, do you recognize this document?

Page 68

1 A. (Through interpreter) I don't remember exactly.
2 Q. There is a reference to a -- on the, I believe,
3 the -- under number one it says in "Korean Progress
4 Results," and under that is a date November 22nd, 2004.
5 Do you see that?
6 A. Yes.
7 Q. And next to that it talks about a first patent
8 negotiation.
9 Are you familiar with what the November 22nd, 2004,
10 first patent negotiation was about?
11 A. I cannot recall exactly. But, roughly, I believe
12 there was some discussions regarding how many patents E
13 company have and what kind of schedule we will proceed this
14 negotiations according to.
15 Q. By "E company" are you referring to Ericsson?
16 A. Yes.
17 Q. Okay. And this is a meeting regarding negotiation
18 concerning a potential renewal license after the first
19 Samsung Ericsson license expires, correct?
20 A. Are you talking about re-agreement after
21 expiration?
22 Q. Yes.
23 A. Yes.
24 Q. If you -- under the item number 2 and below the
25 word in English "agenda," there's a term which I have

Page 69