

EXHIBIT 10

In The Matter Of:

***CERTAIN ELECTRONIC DEVICES, INCLUDING WIRELESS
COMMUNICATION DEVICES***

***JUN WON LEE - Vol. 1
March 6, 2012***

***HIGHLY CONFIDENTIAL
BUSINESS INFORMATION***

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Page 1

UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, D.C.

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In the Matter of

Inv. No. 337-TA-794

CERTAIN ELECTRONIC DEVICES,
INCLUDING WIRELESS COMMUNICATION
DEVICES, PORTABLE MUSIC AND DATA
PROCESSING DEVICES, AND TABLET
COMPUTERS

/

VIDEOTAPED DEPOSITION OF

JUN WON LEE

Tuesday, March 06, 2012

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REPORTED BY: RACHEL FERRIER, CSR 6948

(3-441886)

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JUN WON LEE - 3/6/2012

Page 2

1	INDEX OF EXAMINATIONS		
2	EXAMINATION BY		PAGE
3	Mr. Selwyn		6, 33
4	Mr. Weinstein		143
5	EXHIBITS MARKED FOR IDENTIFICATION		
6	NO.	DESCRIPTION	PAGE
7	Exhibit 1	Respondent Apple Inc.'s Third	
8		Notice of Deposition to	
9		Complainants Samsung Electronics	
		Co., LTD. and Samsung	
		Telecommunications America, LLC	16
10	Exhibit 2	U.S. Patent No. 7,706,348 B2	53
11	Exhibit 3	U.S. Patent No. 7,486,644 B2	53
12	Exhibit 4	Re-Amended Defence and	
13		Counterclaim	87
14	Exhibit 5	Document entitled "Gresso	
15		Avantgarde Grand Premiere -	
		the timeless value"	92
16	Exhibit 6	(None marked.)	
17	Exhibit 7	ETSI Addendum 1, 29th General	
18		Assembly Specially Convened	
		Meeting Nice, 18-19 November	
		1997	124
19	Exhibit 8	Respondent Apple Inc.'s First	
20		Notice of Deposition to	
21		Complainants Samsung Electronics	
		Co., Ltd., and Samsung	
		Telecommunications America, LLC	135
22	Exhibit 9	Letter dated 4/21/11 to Derek	
23		Aberle from Yong-Tae Lee	138
24	Exhibit 10	Letter dated 2/2/12 to Derek	
25		Aberle from Jae Wan Chi	140

HIGHLY CONFIDENTIAL BUSINESS INFORMATION
JUN WON LEE - 3/6/2012

Page 3

	EXHIBITS MARKED FOR IDENTIFICATION		
2	NO.	DESCRIPTION	PAGE
3	Exhibit 11	License Agreement Between	
4		Nokia Corporation and Samsung	
		Electronics Co., Ltd., 6/18/10	141
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7			
8			
9			
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JUN WON LEE - 3/6/2012

Page 4

1 BE IT REMEMBERED that, pursuant to the laws
2 governing the taking and use of depositions, on Tuesday,
3 March 06, 2012, commencing at 10:52 a.m. thereof, at
4 Morrison & Forester, 425 Market Street, San Francisco,
5 California 94105, before me, RACHEL FERRIER, a Certified
6 Shorthand Reporter, personally and JUN WON LEE, called
7 as a witness by Respondent, who, being by me first duly
8 sworn, was thereupon examined as a witness in said
9 action.

10 APPEARANCES OF COUNSEL

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12 SAMSUNG TELECOMMUNICATIONS AMERICA, LLC:

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20
21
22 ALSO PRESENT: JEFREE ANDERSON, Videographer
JEFF MYUNG, Samsung
23 SUNHEE PAIK, Main Interpreter
ALEX JO, Check Interpreter
24

25 ---o0o---

1 Q Does it -- does having the patent prosecution
2 team at ETSI meetings with the engineers also assist
3 Samsung in disclosing its IPR to ETSI as early as
4 possible?

17:02:47 5 MR. WEINSTEIN: Objection; vague and ambiguous.

6 THE WITNESS: Generally, when a technical
7 contribution is presented in the meetings, the
8 application is to be filed as soon as possible, but the
9 disclosure to ETSI is not made at that time because the
17:04:34 10 standards can be determined two or three years after
11 that. So once the standards are determined, the
12 prosecution team makes a decision as of that time.

13 BY MR. SELWYN:

14 Q How big is Samsung's patent prosecution team?

17:05:01 15 MR. WEINSTEIN: Objection; outside the scope.

16 THE WITNESS: I don't know exactly, but within
17 the entire Samsung Electronics, I believe there are
18 about 200 people.

19 BY MR. SELWYN:

17:05:33 20 Q And those 200 people attend ETSI meetings from
21 time to time; correct?

22 MR. WEINSTEIN: Objection; mischaracterizes
23 prior testimony, lacks foundation, outside the scope.

24 THE WITNESS: Not all of those 200 people
17:06:11 25 attend the meetings because everybody has a different

1 area that they are responsible for, but there are about
2 20 to 30 people who are responsible for the
3 telecommunication standards.

4 BY MR. SELWYN:

17:06:27 5 Q And do those 20 or 30 people who attend the
6 ETSI meetings try to draft patent applications that will
7 cover the standards that are discussed at the ETSI
8 meetings?

9 MR. WEINSTEIN: Objection; vague and ambiguous,
17:07:03 10 lacks foundation, outside the scope.

11 THE WITNESS: They don't personally prepare the
12 draft. They use outside people to draft the
13 application. But there are the people who are
14 responsible for controlling the outside people to make a
17:07:52 15 draft.

16 BY MR. SELWYN:

17 Q And is it their goal to try to draft
18 applications or have applications drafted that will
19 cover the standards that are being discussed at the ETSI
17:08:11 20 meetings?

21 MR. WEINSTEIN: Same objections.

22 THE WITNESS: You can say that.

23 BY MR. SELWYN:

24 Q How does Samsung determine when to disclose its
17:08:54 25 patents or other intellectual property to ETSI?

1 MR. WEINSTEIN: Objection; asked and answered.

2 THE WITNESS: Those 20 to 30 people that I
3 mentioned earlier made the decision.

4 BY MR. SELWYN:

17:09:31 5 Q How do they decide, those 20 to 30 people, the
6 timing of when to disclose pending patent applications,
7 issued patents, or other intellectual property to ETSI?

8 MR. WEINSTEIN: Objection; lacks foundation.

9 THE WITNESS: Those 20 to 30 people continue to
17:10:59 10 monitor the patents that they are handling, but the
11 important thing is that the standards have to be
12 determined, but once the standards are determined, each
13 person who handles the subject patents make a
14 decision -- makes a decision for the pending patent
17:11:27 15 application or issued patent.

16 BY MR. SELWYN:

17 Q Makes a decision whether to disclose that
18 patent or patent application to ETSI?

19 MR. WEINSTEIN: Same objection.

17:11:51 20 THE WITNESS: To make the decision whether it
21 is essential or not. That is important. Once a patent
22 is determined essential to do so, we would classify them
23 separately from others, and we would collect several of
24 them to disclose as soon as possible.

17:12:53 25 BY MR. SELWYN:

1 Q How soon --

2 THE INTERPRETER: Interpreter would like to
3 make a correction: To make the decision whether a
4 patent is essential or not is important. Once a patent
17:13:31 5 is determined essential, we would like to classify them
6 separately from others and collect several of them
7 together to disclose as soon as possible.

8 BY MR. SELWYN:

9 Q How soon after the standard has been determined
17:13:50 10 is the patent prosecution team supposed to make its
11 disclosure of Samsung's IPR to ETSI?

12 MR. WEINSTEIN: Objection; lacks foundation.

13 THE WITNESS: There is no fixed time, but it is
14 done periodically, commonly as often as once or twice a
17:14:56 15 year.

16 BY MR. SELWYN:

17 Q Has there ever been an instance in which
18 Samsung has disclosed a pending patent application or an
19 issued patent to ETSI before the standard has been
17:15:27 20 determined or before the standard has been frozen?

21 MR. WEINSTEIN: Objection; vague and ambiguous.

22 THE WITNESS: I'm not sure if that has ever
23 happened, but if that happened, I believe that was a
24 stupid thing.

17:16:23 25 BY MR. SELWYN:

1 Q Why?

2 MR. WEINSTEIN: Same objection.

3 THE WITNESS: When the standard is not
4 determined, you cannot know if the patent is essential
17:16:52 5 or not, so there is no reason to disclose.

6 BY MR. SELWYN:

7 Q Can you know whether the standard -- strike
8 that.

9 Can you know whether the patent application is
17:17:05 10 essential to the standard that's being considered?

11 MR. WEINSTEIN: Objection; vague and ambiguous,
12 lacks foundation.

13 THE WITNESS: Are we talking about these
14 patents?

17:17:36 15 MR. SELWYN: Not at the moment.

16 THE WITNESS: I don't understand the question
17 exactly, so which patent are you asking about being
18 essential or are or not?

19 MR. SELWYN: No patent in particular.

17:17:56 20 MR. WEINSTEIN: Same objections.

21 MR. SELWYN: Let me ask a new question to
22 clarify. Let me back up.

23 Q Does Samsung know which members of its patent
24 prosecution teams attended meetings where the technology
17:18:40 25 that Samsung believes underlie patents marked as

1 Exhibits 2 and 3 were discussed?

2 MR. WEINSTEIN: Objection; vague and ambiguous,
3 outside the scope.

4 THE WITNESS: I would not know such a specific
17:19:24 5 detail, but if I investigate, I can find out.

6 BY MR. SELWYN:

7 Q How would you find out?

8 MR. WEINSTEIN: Same objections.

9 THE WITNESS: The prosecution history is stored
17:19:55 10 in the database, and also, if I find out who handled
11 these patents at the time, I can find out.

12 BY MR. SELWYN:

13 Q And how long would that take you to do with
14 respect to, for example, these two patents?

17:20:07 15 MR. WEINSTEIN: Objection; outside the scope.

16 THE WITNESS: Probably can take two or three
17 days.

18 MR. WEINSTEIN: Counsel, we have been going for
19 about an hour. Is this a good time for a break?

17:20:34 20 MR. SELWYN: Give me two more questions.

21 MR. WEINSTEIN: Sure.

22 BY MR. SELWYN:

23 Q Has Samsung ever investigated, in connection
24 with this case, which members of its patent prosecution
17:20:44 25 teams attended meetings where the technology that

1 Samsung believes underlie Exhibits 2 and 3 were
2 discussed?

3 MR. WEINSTEIN: Objection; outside the scope.

4 THE WITNESS: I don't know such a specific
17:21:26 5 detail.

6 BY MR. SELWYN:

7 Q What instructions were the members of the
8 patent prosecution teams who attended the meetings where
9 the technology that Samsung believes relates to
17:21:39 10 Exhibits 2 and 3 were discussed -- strike that.

11 What instructions did Samsung give to the
12 employees from the patent prosecution teams who attended
13 the ETSI meetings where the technology related to
14 Exhibit 2 and 3 were discussed about when to disclose
17:22:04 15 Samsung's IPR to ETSI?

16 MR. WEINSTEIN: Objection; vague and ambiguous,
17 lacks foundation.

18 THE WITNESS: I said I don't know who or
19 when --

17:23:35 20 THE INTERPRETER: Interpreter's correction: I
21 said I don't know who attended which meeting when
22 related to patents, but probably the -- since the reason
23 why the members are attending the ETSI meeting is --

24 The interpreter's correction: One of the
17:23:54 25 reasons is --

1 Interpreter's correction: One of the reasons
2 why these members attend these meetings is to get
3 explanation about the timing of the disclosure, so I
4 believe they follow the same procedure.

17:24:48 5 Let me try again.

6 Okay. I misunderstood.

7 THE WITNESS: I said that I don't know who
8 attend which meeting related to the patents, but I
9 already explained the reasons why they attend the ETSI
17:25:11 10 meeting and process of disclosure, so I believe they
11 followed the procedure for the disclosure as to these
12 patents.

13 MR. SELWYN: Is the translation complete?

14 THE CHECKER INTERPRETER: Almost.

17:25:53 15 THE WITNESS: Probably.

16 MR. SELWYN: "Probably" the translation is
17 complete or?

18 THE INTERPRETER: The checker interpreter says
19 that "probably" should be added, and the deponent said
17:26:08 20 that it's correct.

21 MR. SELWYN: Okay. Let's take a break.

22 THE VIDEOGRAPHER: Going off the record, the
23 time is 5:27.

24 (Recess taken.)

17:38:01 25 THE VIDEOGRAPHER: This marks the beginning of