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

15  
16 APPLE INC., a California corporation,

17 Plaintiff,

18 v.

19 SAMSUNG ELECTRONICS CO., LTD., a  
Korean corporation; SAMSUNG ELECTRONICS  
20 AMERICA, INC., a New York corporation; and  
SAMSUNG TELECOMMUNICATIONS  
21 AMERICA, LLC, a Delaware limited liability  
company,

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

**APPLE'S MOTION TO CLARIFY  
ORDER COMPELLING EXPERT  
DEPOSITIONS**

1 Apple moves the Court for clarification of its Order of October 29, 2012, which granted  
2 Apple's motion to compel the depositions of several Samsung experts, and "also orders Apple to  
3 produce its experts for Samsung to depose." (Dkt. No. 2105 at 2:5-6.) Apple will make the  
4 experts identified in the Court's Order (Marylee Robinson and Dr. Russell Winer ) available for  
5 deposition. Apple seeks clarification, however, because the Court directed Apple to make a *fact*  
6 *witness* (Phil Schiller) available for deposition. (*Id.* at 4:22-23.) Mr. Schiller is an Apple  
7 executive who testified at trial and whom Samsung has already deposed, and whose declaration is  
8 limited to facts and does not include any expert opinions. (Dkt. No. 1985.)

9 Apple did not move to depose any Samsung fact witnesses, even though Samsung's  
10 Opposition to Apple's Motion for Permanent Injunction and Enhanced Damages included  
11 declarations of four Samsung fact witnesses (Hee-Chan Choi, Corey Kerstetter, David Kim, and  
12 Tim Rowden, Dkt. Nos. 2055, 2060, 2056, 2075), three of whom Apple has never deposed. (*See*  
13 Dkt. No. 2092 at 1:21-23.) Nor did Apple move to compel depositions of three other Samsung  
14 experts who submitted declarations in support of Samsung's opposition to a permanent injunction  
15 (R. Sukumar, Andries van Dam, and Michael Wagner, Dkt. Nos. 2054-3, 2054-5, 2065). Instead,  
16 Apple limited its request for depositions to four experts out of the seven experts and four fact  
17 witnesses who submitted declarations in support of Samsung's opposition, which was far more  
18 than the three experts and two fact witnesses who submitted declarations with Apple's motion.

19 The Court referred in its Order to Samsung's argument that "it too should be allowed to  
20 depose Apple's experts," and "order[ed] Apple to produce its experts for Samsung to depose."  
21 (Dkt. No. 2105 at 3:19-20, 2:5-6). In view of the Court's repeated references to "experts" and the  
22 fact that Apple did not seek and has not obtained any depositions of Samsung fact witnesses, the  
23 Court's Order appears to have been intended to be limited to depositions of experts, and not of  
24 fact witnesses. Accordingly, Apple respectfully requests that the Court clarify that the Order  
25 requires Apple to make available for deposition its two experts (Marylee Robinson and Dr.  
26 Russell Winer), and does not require Apple to produce Mr. Schiller for deposition.

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Dated: October 30, 2012

MORRISON & FOERSTER LLP

By:           /s/ Michael A. Jacobs            
Michael A. Jacobs

Attorneys for Plaintiff  
APPLE INC.