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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE, INC.,) CV-11-1846-LHK
)
PLAINTIFF,) SAN JOSE, CALIFORNIA
)
VS.)
) SEPTEMBER 28, 2011
SAMSUNG ELECTRONICS CO.,)
LTD., ET AL,)
) PAGES 1-87
DEFENDANT.)

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE PAUL S. GREWAL
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

FOR THE PLAINTIFF: MORRISON FOERSTER
BY: WESLEY OVERSON
RICHARD HUNG
MINN CHUNG
MICHAEL JACOBS
425 MARKET STREET
SAN FRANCISCO, CA 94105

FOR THE DEFENDANT: QUINN EMANUEL
BY: VICTORIA MAROULIS
BRETT ARNOLD
KEVIN JOHNSON
555 TWIN DOLPHIN DRIVE, 5TH FL
REDWOOD SHORES, CA 94065

OFFICIAL COURT REPORTER: SUMMER FISHER, CSR, CRR
CERTIFICATE NUMBER 13185

1 SAN JOSE, CALIFORNIA SEPTEMBER 28, 2011

2 P R O C E E D I N G S

3 (WHEREUPON, COURT CONVENEED AND THE
4 FOLLOWING PROCEEDINGS WERE HELD:)

5 THE COURT: GOOD MORNING. PLEASE HAVE A
6 SEAT.

7 MR. RIVERA, WHENEVER YOU ARE READY, WOULD
8 YOU CALL THE MATTER ON THIS MORNING'S CALENDAR

9 THE CLERK: YES, YOUR HONOR.

10 CALLING APPLE, INC. VERSUS SAMSUNG
11 ELECTRONICS, ET AL. CASE NUMBER CV-11-1846.

12 COUNSEL, PLEASE STATE YOUR APPEARANCES.

13 MR. OVERSON: WESLEY OVERSON ON BEHALF OF
14 APPLE, INC.

15 THE COURT: MR OVERSON, GOOD MORNING,
16 SIR.

17 MS. MAROULIS: VICTORIA MAROULIS WITH
18 QUINN EMANUEL ON BEHALF OF SAMSUNG.

19 AND WITH ME IS MR. KEVIN JOHNSON ALSO FOR
20 SAMSUNG AND BRETT ARNOLD.

21 THE COURT: ALL RIGHT.

22 WELCOME BACK, MS. MAROULIS.

23 GOOD MORNING, GENTLEMAN.

24 MR. OVERSON: YOUR HONOR, MAY I ALSO
25 INTRODUCE MR. JACOBS, MR. HUNG AND MR. MINN CHUNG.

1 DON'T EXIST. THEY ARE LOOKING FOR A SMOKING GUN
2 DOCUMENT, A DOCUMENT THAT SAYS WE COPIED SOMETHING
3 FROM APPLE. WE DON'T HAVE THOSE DOCUMENTS.

4 WE HAVE TAKEN A 30(B)(6) DEPOSITION LAST
5 WEEK --

6 THE COURT: WELL, JUST TO BE PRECISE,
7 THEIR POSITION, THEIR REPRESENTATIONS THAT YOU HAVE
8 NOT IDENTIFIED ANY SUCH DOCUMENTS BASED ON THE
9 INVESTIGATION YOU HAVE DONE TODAY.

10 I THINK YOU JUST TOLD ME EARLIER YOU
11 CAN'T STAND HERE AND MAKE A REPRESENTATION THAT NO
12 SUCH DOCUMENT EXISTS OF YOUR CLIENT BECAUSE YOU
13 DON'T KNOW.

14 MS. MAROULIS: THAT'S CORRECT,
15 YOUR HONOR.

16 BUT I DO WANT TO TALK BRIEFLY ABOUT THE
17 30(B)(6) DEPOSITION OF A SAMSUNG REPRESENTATIVE WHO
18 ASKS SPECIFICALLY WHETHER HE INTERVIEWED THE
19 DESIGNERS OF THE PRODUCTS AT ISSUE.

20 HE TESTIFIED HE SPOKE WITH ALL OF THEM
21 AND INQUIRED EXTENSIVELY WHETHER ANY OF THEM
22 CONSIDERED APPLE PRODUCTS WHEN DESIGNING THEIR
23 PRODUCTS, NOT JUST COPYING, BUT ANY CONSIDERATION
24 OF FRAME OF REFERENCE. THEY TESTIFIED THEY HAVE
25 NOT.

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CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT
REPORTER OF THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH
FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY
CERTIFY:

THAT THE FOREGOING TRANSCRIPT,
CERTIFICATE INCLUSIVE, CONSTITUTES A TRUE, FULL AND
CORRECT TRANSCRIPT OF MY SHORTHAND NOTES TAKEN AS
SUCH OFFICIAL COURT REPORTER OF THE PROCEEDINGS
HEREINBEFORE ENTITLED AND REDUCED BY COMPUTER-AIDED
TRANSCRIPTION TO THE BEST OF MY ABILITY.

SUMMER A. FISHER, CSR, CRR
CERTIFICATE NUMBER 13185