

Exhibit B

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE INC., A CALIFORNIA)	C-11-01846 LHK
CORPORATION,)	
)	SAN JOSE, CALIFORNIA
PLAINTIFF,)	
)	APRIL 29, 2013
VS.)	
)	PAGES 1-90
SAMSUNG ELECTRONICS CO., LTD.,)	
A KOREAN BUSINESS ENTITY;)	
SAMSUNG ELECTRONICS AMERICA,)	
INC., A NEW YORK CORPORATION;)	
SAMSUNG TELECOMMUNICATIONS)	
AMERICA, LLC, A DELAWARE)	
LIMITED LIABILITY COMPANY,)	
)	
DEFENDANTS.)	
_____)	
)	
)	

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE LUCY H. KOH
UNITED STATES DISTRICT JUDGE

APPEARANCES ON NEXT PAGE

OFFICIAL COURT REPORTER: LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY
TRANSCRIPT PRODUCED WITH COMPUTER

1 THE METHODOLOGICAL CHALLENGES.

2 I THINK THAT'S ONE OF THE BENEFITS THAT WE'RE ACCRUING FROM
3 YOUR HONOR'S DIRECTION TO US IS WE WILL NOT HAVE DAUBERTS
4 BECAUSE DAUBERTS WERE DONE, AND DONE TO A FARE-THEE-WELL, LAST
5 YEAR.

6 IF THEY WANT TO CHALLENGE -- HAVING COERCED US INTO A
7 C.P.A. AND NOW SAYING, "OH, THE C.P.A. IS NOT QUALIFIED," FINE.

8 THE COURT: ALL RIGHT. WELL, WHAT ABOUT A -- THIS IS
9 WHAT I WAS GOING TO SUGGEST: HAVE APPLE'S EXPERT -- IDENTIFY
10 ITS NEW C.P.A. EXPERT, ONE PERSON, BY MAY 13TH.

11 MR. JACOBS: OKAY.

12 THE COURT: OKAY? APPLE SUBMIT -- I DON'T EVEN KNOW
13 IF YOU WOULD REALLY NEED ALL THESE DATES, OR ALL THIS TIME, BUT
14 I GUESS BECAUSE YOU'RE GETTING A NEW PERSON UP TO SPEED -- JUNE
15 24TH, WHICH IS I THINK THE DATE YOU REQUESTED.

16 MR. JACOBS: IT'S TWO DAYS BEFORE, BUT THAT'S FINE,
17 YOUR HONOR.

18 THE COURT: OKAY. SAMSUNG'S REPORT, JULY 26TH. YOU
19 REQUESTED, I THINK, 30 DAYS.

20 EXPERT DEPOSITIONS CONCLUDED BY AUGUST 7TH.

21 DOES THAT GIVE YOU ENOUGH TIME OR IS THAT TOO TIGHT?

22 MS. MAROULIS: THAT MIGHT BE TOO TIGHT, YOUR HONOR,
23 BECAUSE WE'LL ALSO HAVE EXPERT DISCOVERY IN THE FOLLOW-ON CASE.

24 THE COURT: OH, OKAY. WHAT ABOUT AUGUST 30TH?
25 AUGUST 23RD?

1 MS. MAROULIS: AUGUST 30TH, YOUR HONOR.

2 MR. JACOBS: I THINK THE 23RD IS PLENTY, YOUR HONOR.
3 THAT IS NEARLY A MONTH FOR EXPERT DEPOSITIONS.

4 THE COURT: OKAY. THEN I WAS GOING TO ALLOW ONLY
5 SAMSUNG, NOT APPLE, ONE NO MORE THAN FOUR-PAGE, LET'S CALL IT A
6 RULE 702 OBJECTION BASED ON QUALIFICATIONS ALONE.

7 BECAUSE EVERYONE IS JUST GOING TO BE USING THE THEORIES
8 THAT HAVE ALREADY GONE THROUGH EXTENSIVE MOTION PRACTICE LAST
9 YEAR, THERE WILL BE NO NEW CHALLENGES TO THEORIES. OKAY?

10 BUT IF YOU WANT TO CHALLENGE APPLE'S EXPERT ON WHETHER HE
11 OR SHE IS QUALIFIED TO GIVE THE OPINION, I THINK THAT IS
12 LEGITIMATE. OKAY? SO FOUR PAGES AT MOST.

13 MS. MAROULIS: THANK YOU, YOUR HONOR.

14 AND WE HAVE TO RESERVE OUR RIGHT TO CHALLENGE IF THEY
15 CHANGE THE REPORT SUBSTANTIALLY, WHICH THEY CLAIM RIGHT NOW
16 THEY WON'T.

17 THE COURT: OKAY. SO I WAS GOING TO SET A DATE FOR
18 THAT AS WELL.

19 NOW, I'M GOING TO SET A HEARING DATE. I WOULD LEAVE IT TO
20 THE PARTIES TO SET A BRIEFING SCHEDULE, ALTHOUGH I WANT FINAL
21 BRIEFS THREE WEEKS IN ADVANCE OF THE HEARING DATE.

22 BUT OCTOBER 10TH OF 2013 I WOULD HEAR THE ONE SAMSUNG
23 MOTION CHALLENGING THE QUALIFICATION SOLELY OF APPLE'S NEW
24 EXPERT AND ANY MOTIONS TO STRIKE FROM EITHER EXPERT REPORT.

25 NOW, LET'S PUT PAGE LIMITS ON THIS. AND I DON'T THINK I

1 NEED -- I CERTAINLY DON'T THINK I NEED A REPLY ON THE 702.

2 BUT WE'LL SAY THAT APPLE CAN FILE A FOUR-PAGE RESPONSE TO
3 SAMSUNG'S FOUR-PAGE OBJECTION TO THE QUALIFICATIONS OF YOUR NEW
4 EXPERT. NO REPLY ON THAT ONE.

5 MR. JACOBS: OKAY. THANK YOU.

6 THE COURT: NOW, MOTION TO STRIKE FROM EACH OTHER'S
7 EXPERT REPORTS, I WOULD -- CAN WE LIMIT THAT TO TEN PAGES?

8 MR. JACOBS: IS IT CLEAR, YOUR HONOR, THAT WE'RE
9 NOT --

10 THE COURT: THERE REALLY SHOULDN'T BE ANYTHING.

11 MR. JACOBS: THERE SHOULDN'T BE ANYTHING.

12 THE COURT: IF EVERYONE FOLLOWS MY RULING OF NO NEW
13 THEORIES, NO NEW METHODOLOGIES, NO NEW DATA, NO NEW DAMAGES
14 PERIOD, THERE REALLY SHOULDN'T BE.

15 BUT I'M NOT TOTALLY OPTIMISTIC BASED ON MY EXPERIENCE WITH
16 THIS CASE OVER THE LAST TWO YEARS.

17 SO, I MEAN, I WOULD LIKE TO LIMIT THAT FURTHER, IF AT ALL
18 POSSIBLE, IN TERMS OF PAGE LIMITS.

19 AND I THINK A REPLY ACTUALLY MIGHT BE HELPFUL ON THAT
20 SCORE.

21 SO -- AND I ASSUME THAT THERE WILL PROBABLY BE
22 CROSS-MOTIONS WOULD BE MY GUESS.

23 MR. JACOBS: CAN IT BE CLEAR, YOUR HONOR, THAT THOSE
24 MOTIONS LITERALLY ONLY GO TO THE -- TO ANY DIFFERENCES?

25 THE COURT: YES, ANY DIFFERENCES FROM LAST TIME.

1 MR. JACOBS: SO WE'RE -- TO STATE IT AGAIN, THE
2 OBVERSE, WE ARE NOT GOING TO BE RELITIGATING MR. WAGNER'S OR
3 MR. MUSIKA'S REPORTS.

4 THE ONLY PROPER FOCUS OF ANY MOTIONS TO STRIKE WILL BE THE
5 INCREMENT, THE CHANGE IN THE NEW REPORTS?

6 THE COURT: YES.

7 MR. JACOBS: OKAY.

8 MS. MAROULIS: YOUR HONOR, IN TERMS OF PRESERVING THE
9 RECORD FOR APPEAL --

10 THE COURT: YES.

11 MS. MAROULIS: -- WE MIGHT NEED TO SIMPLY STATE OR
12 RESTATE OUR PRIOR MOTIONS AND OBJECTIONS. WE'LL DOUBLE-CHECK
13 THAT.

14 THE COURT: OKAY.

15 MS. MAROULIS: BUT WE MIGHT HAVE TO, AT SOME POINT IN
16 THE HEARING OR IN WRITING, SIMPLY SAY THAT WE'RE RESTATING THEM
17 SO THAT THEY'RE NOT WAIVED, MUCH THE SAME WAY AS JURY
18 INSTRUCTIONS, YOU HAVE TO REPEAT IT MULTIPLE TIMES.

19 THE COURT: OKAY. THAT'S FINE.

20 I'M HOPING THAT YOU MAY JUST BE ABLE TO, YOU KNOW, PER
21 STIPULATION, BOTH PARTIES PRESERVE THE PREVIOUS OBJECTIONS THAT
22 THEY MADE TO METHODOLOGIES AND THEORIES AND CALCULATIONS OF THE
23 EXPERT, SOMETHING LIKE THAT.

24 BUT, YES, I DON'T WANT TO RELITIGATE -- ANYTHING THAT'S
25 ALREADY BEEN DECIDED AND HAS ALREADY SURVIVED A DAUBERT MOTION

1 OR A MOTION IN LIMINE WILL CONTINUE TO BE ADMISSIBLE AND PART
2 OF THE CASE.

3 SO LET'S SET LIMITS ON THAT IN TERMS OF PAGES. WHAT --

4 MS. MAROULIS: TEN PAGES ON MOVING PAPERS, TEN PAGES
5 ON OPPOSITION, AND SEVEN ON REPLY?

6 THE COURT: WELL, I'M REALLY HOPING THAT IF -- IF MY
7 RULING AS TO THE SCOPE OF THE NEW EXPERT REPORTS IS FOLLOWED,
8 WE REALLY SHOULDN'T NEED --

9 MR. JACOBS: SEVEN, SEVEN, FOUR, YOUR HONOR?

10 THE COURT: YOU KNOW, WE SHOULDN'T NEED 54 PAGES OF
11 BRIEFING ON THIS, RIGHT?

12 MR. JACOBS: SEVEN, SEVEN, FOUR?

13 THE COURT: SO YOU'RE NOT OPTIMISTIC, EITHER.

14 MR. JACOBS: NO, I AM. I JUST -- I DON'T THINK THIS
15 IS ABOUT PAGE LIMITS SO MUCH. I ACTUALLY THINK IT'S ABOUT
16 SCOPE, AND IF THERE ARE NEW ISSUES THAT ARISE, THEY SHOULD BE
17 VENTILATED.

18 THE COURT: ARE YOU SATISFIED WITH THOSE LIMITS?

19 MS. MAROULIS: THAT WOULD BE FINE, YOUR HONOR.

20 THE COURT: SEVEN, SEVEN, FOUR?

21 MS. MAROULIS: THAT WOULD BE FINE, YOUR HONOR.

22 THE COURT: ALL RIGHT. SO SEVEN, SEVEN, FOUR.

23 WORK OUT THE BRIEFING SCHEDULE. IF YOU NEED TO THEN MOVE
24 UP THE EXPERT DEPOSITION DISCOVERY DEADLINE TO GET THE
25 BRIEFING -- I WOULD LIKE, PLEASE, THREE WEEKS WITH THE REPLY

1 BRIEFS AND THE FINAL BRIEFS FOR EACH MOTION.

2 MS. MAROULIS: IS THE MOTION TO STRIKE HERE DIFFERENT
3 FROM OCTOBER 10, OR IT'S THE SAME?

4 THE COURT: NO. WE'LL TRY TO DO BOTH AT THE SAME
5 TIME, PLEASE.

6 OKAY. NOW, THERE IS GOING TO BE AN ISSUE OF WHAT THE JURY
7 HEARS ABOUT INFRINGEMENT AND WHETHER THAT'S DONE THROUGH
8 WITNESSES AND WITNESS TESTIMONY, WHETHER THAT'S DONE THROUGH
9 JURY INSTRUCTIONS.

10 I FANTASIZE ABOUT A STIPULATION, BUT I DON'T THINK THAT'S
11 GOING TO HAPPEN.

12 BUT I WOULD LIKE SOME OPPORTUNITY TO HAVE YOU ALL MAKE A
13 PROPOSAL AS TO WHAT WOULD BE THE BEST WAY FOR THAT INFORMATION
14 TO COME IN, EXACTLY HOW IT SHOULD BE WORDED.

15 MS. MAROULIS: YOUR HONOR, PERHAPS THE PARTIES CAN
16 MEET AND CONFER SOMETIME IN THE NEXT MONTH OR TWO --

17 THE COURT: OKAY.

18 MS. MAROULIS: -- AND FIGURE OUT SOMETHING TO PROPOSE
19 TO THE COURT JOINTLY.

20 THE COURT: OKAY. I WOULD SET A HEARING FOR THAT IF
21 YOU -- FOR OCTOBER 17TH, AND THAT COULD ALSO BE A JURY
22 INSTRUCTION CONFERENCE AS WELL, MS. MAROULIS, IF YOU WANT TO
23 HANDLE THAT TOGETHER, BOTH --

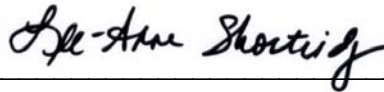
24 MS. MAROULIS: YOUR HONOR, THE REASON TO MOVE IT OUT
25 A LITTLE BIT IS IF DAUBERT CHALLENGES OR MOTIONS TO STRIKE

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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, IS A CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.



LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

DATED: MAY 3, 2013