EXHIBIT 13

1   UNITED STATES DISTRICT COURT

2   NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE

3   DIVISION

4   -

5   APPLE INC., a California Corporation,

6   Plaintiff,   Case No.

7   vs.   11-CV-01846-LHK

8   SAMSUNG ELECTRONICS CO., LTD., a

9   Korean business entity, SAMSUNG

10   ELECTRONICS AMERICA, INC., a New   HIGHLY

11   York corporation, and SAMSUNG   CONFIDENTIAL

12   TELECOMMUNICATIONS AMERICA, LLC, a

13   Delaware limited liability company.   ATTORNEYS'

14   Defendants.   EYES ONLY

15   _____

16   SAMSUNG ELECTRONICS CO., LTD., a

17   Korean business entity, SAMSUNG

18   ELECTRONICS AMERICA, INC., a New

19   York corporation, and SAMSUNG

20   TELECOMMUNICATIONS AMERICA, LLC, a

21   Delaware limited liability company,

22   Counterclaim-Plaintiffs,

23   vs.

24   APPLE INC., a California corporation,

25   Counterclaim-Defendant.

1   -

2

3   VIDEOTAPED DEPOSITION OF WOODWARD YANG

4   Wednesday, May 8, 2012   9:33 a.m.

5   WilmerHale

6   60 State Street, Boston, MA 02109

7

8

9   REPORTER: JANET MCHUGH, RMR, CRR, CLR

10   MERRILL LEGAL SOLUTIONS

11

12

13   APPEARANCES:

14

15   WILMER, CUTLER, PICKERING, HALE AND DORR LLP

16   (By David B. Bassett, Esquire)

17   399 Park Avenue

18   New York, New York 10022

19   212.230.8858

20   david.bassett@wilmerhale.com

21   Counsel for the Plaintiff/Counterclaim Defendant

22

23

24

25   – Continued –

 1   APPEARANCES: (Continued)

 2

 3   WILMER, CUTLER, PICKERING, HALE AND DORR LLP

 4   (By Derek S. Lam, Esquire)

 5   60 State Street

 6   Boston, Massachusetts 02109

 7   617.526.6000

 8   Counsel for the Plaintiff/Counterclaim Defendant

 9

10

11   QUINN EMANUEL

12   (By Mark Tung, Ph.D., Esquire,

13   and Ketal Patel, Esquire)

14   51 Madison Avenue, 22nd Floor

15   New York, New York 10010

16   (212) 849-7000

17   marktung@quinnemanuel.com

18   ketanpatel@quinnemanuel.com

19

20   Also Present:

21   Shawn Budd, Videographer

22

23

24

25

1 but there are three core.

2   Q.   Well, let's look at Paragraph 41 of your

3 initial report, which is your infringement report.

4   A.   Yes.

5   (Witness complies.)

6   A.   I just don't want to change words on you.

7 Yes. I said the patent is directed to the

8 performance of three core functions on the device.

9   Q.   Right. And does your infringement analysis

10 under the '460 patent require the user to send an

11 e-mail with an image in the message body and not as

12 an attachment?

13   A.   I think I understand your question, but

14 could you please clarify what you mean by sending an

15 e-mail with an image in the message body versus what

16 you mean as sending an e-mail with an image as an

17 attachment?

18   Q.   In your understanding, is there a

19 difference?

20   A.   There can be a difference. Depending -- I

21 believe that there's lots of different terminology

22 that's used for e-mail and how images are attached or

23 embedded or included and things like this. So I was

24 just hoping for your question, if you could clarify

25 that for me, then I could give you a better answer.

1   Q.   I will try to clarify once I get some

2 clarification from you, from my -- from my

3 perspective. Is it relevant, in your view, Doctor,

4 whether in your infringement analysis under the '460

5 patent, is it relevant whether the image is in the

6 body of an e-mail or an attachment, or is that not

7 relevant?

8   A.   So I will try to answer your question with

9 what I think you're asking. So you're asking me is

10 it important for the image to actually be displayed,

11 to actually be able to see the image in the body of

12 the image -- of the e-mail that's being composed, or

13 is it simply sufficient to have the e-mail attached?

14 For example, only seeing the file name. I believe

15 that's the differentiation you're trying to make, as

16 far as whether it's attached or --

17   Q.   In the body of the e-mail?

18   A.   Or in the body of the e-mail. I believe

19 that's the differential you're trying to make.

20   Q.   Sure.

21   A.   And I believe that that is critical,

22 because if you read the second paragraph here, it

23 says, "Entering a second e-mail transmission submode

24 upon user request for e-mail transmission while

25 operating in a display submode," that's all kind of

1 preamble stuff, "the second e-mail transmission

2 submode displaying an image most recently captured in

3 camera mode."

4   Q.   So in -- as I understand it, if the image

5 were sent only as an attachment, and were not viewed

6 when you looked at -- were not viewable when you

7 looked at the e-mail, it would not infringe this

8 claim, correct?

9   MR. STRETCH: Objection. Calls for a

10 legal conclusion.

11   A.   I guess it depends what you're showing of

12 the image. Because there's many different ways to

13 display an image. If all you're displaying is a file

14 name, I would tend to agree with you. It's not

15 something I've given a great deal of thought to,

16 because, in fact, for infringement, the Apple

17 devices, in fact, display the image, so there's not

18 much of a question about that.

19   Q.   If you look at Paragraph 43 of your initial

20 report, the second sentence of Paragraph 43, it talks

21 about -- the first sentence talks about the three

22 core functions. And then the second sentence,

23 "Although performance of these steps in the recited

24 sequence would certainly infringe the patent, I do

25 not understand Claim 1 to require that these five

1   C E R T I F I C A T E

2   COMMONWEALTH OF MASSACHUSETTS

3   SUFFOLK, SS.

4   I, Janet M. McHugh, a Registered Merit

5   Reporter and a Notary Public within and for the

6   Commonwealth of Massachusetts do hereby certify:

7   THAT WOODWARD YANG, PH.D., the witness whose

8   testimony is hereinbefore set forth, was duly sworn

9   by me and that such testimony is a true and accurate

10 record of my stenotype notes taken in the foregoing

11 matter, to the best of my knowledge, skill and

12 ability.

13   I further certify that I am not related to any

14 parties to this action by blood or marriage; and

15 that I am in no way interested in the outcome of

16 this matter.

17   IN WITNESS WHEREOF, I have hereunto set my

18 hand this 15th day of May, 2012.

19

20   _____

            JANET M. MCHUGH

            Notary Public

21

22

23 My Commission Expires:

24 July 11, 2014

25