

# Exhibit 62

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION

4  
5  
6 APPLE INC., A CALIFORNIA :  
7 CORPORATION, :  
8 PLAINTIFF, :

9 VS.

:  
: CASE NO.  
: 11-CV-01846-LHK

10 SAMSUNG ELECTRONICS, CO., :  
11 LTD., A KOREAN BUSINESS :  
12 ENTITY; SAMSUNG ELECTRONICS :  
13 AMERICA, INC., A NEW YORK :  
14 CORPORATION; SAMSUNG :  
15 TELECOMMUNICATIONS AMERICA, :  
16 LLC, A DELAWARE LIMITED :  
17 LIABILITY COMPANY, :

18  
19  
20 DEFENDANTS

21 DEPOSITION OF ANDRIES VAN DAM, an Expert  
22 Witness in the above-entitled cause, taken on  
23 behalf of the Plaintiff, before Barbara  
24 Warner, RPR, Notary Public in and for the  
25 State of Rhode Island, at the offices of  
Allied Court Reporters, 115 Phenix Avenue,  
Cranston, RI, on September 14, 2011  
at 9:30 A.M.

Job Number: 41901

1 APPEARANCES:  
 2  
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 BY: AARON KAUFMAN, ESQ.  
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 13  
 14  
 15  
 16 ALSO PRESENT:  
 MIKE HENRIQUES, VIDEOGRAPHER  
 17  
 18  
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1 (DEPOSITION COMMENCED AT 9:54 A.M.)  
 2 ANDRES VAN DAM  
 3 THE VIDEOGRAPHER: This is the  
 4 start of the tape labeled number 1 of the  
 5 videotaped deposition of Andries van Dam in  
 6 the matter of Apple Inc., versus Samsung  
 7 Electronics Company, Limited, in the United  
 8 States District Court, Northern District of  
 9 California, San Jose Division. The  
 10 deposition is being held at Allied Court  
 11 Reporters, 115 Phenix Avenue, Cranston, Rhode  
 12 Island on September 14, 2011 at approximately  
 13 9:54 a.m.  
 14 My name is Mike Henriques. I am  
 15 the legal video specialist from TSG  
 16 Reporting, Inc., headquartered at 747 Third  
 17 Avenue, New York, New York. The court  
 18 reporter is Barbara Warner in association  
 19 with TSG Reporting. And if counsel could  
 20 please introduce themselves.  
 21 MR. HUNG: Richard Hung of  
 22 Morrison & Foerster for Apple Inc. With me  
 23 today is Matthew Ahn, also of Morrison &  
 24 Foerster.  
 25 MR. BRIGGS: Todd Briggs from  
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1 Quinn Emanuel for Samsung and the witness.  
2 THE VIDEOGRAPHER: If the court  
3 reporter could please swear in the witness.  
4 ANDRIES VAN DAM  
5 Being duly sworn, deposes and  
6 testifies as follows:  
7 THE REPORTER: Would you state  
8 your name and spell your last name for the  
9 record.  
10 THE WITNESS: Andries van Dam, in  
11 this country Andy van Dam, V-A-N D-A-M, as in  
12 Mary.  
13 (EXHIBITS 129, 130 AND 131 MARKED FOR  
14 IDENTIFICATION)  
15 EXAMINATION BY MR. HUNG  
16 Q. Good morning.  
17 A. Good morning.  
18 Q. You have before you, Dr. van Dam, the notice  
19 of deposition in this case. Have you seen  
20 that notice before?  
21 A. I believe I have.  
22 Q. It has been marked as Exhibit 129. You  
23 understand that you are here today appearing  
24 pursuant to this notice, correct?  
25 A. I do.

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1 from my own work various references that I  
2 thought might have bearing on the case. And  
3 there were a number of work products, drafts  
4 of work products, that I also went over. And  
5 of course the usual number of conversations  
6 both in person, face to face, and via  
7 telephone with counsel.  
8 Q. Let me go back a second. I know you have  
9 been deposed before, but I will quickly  
10 establish a couple of rules that will help  
11 both of us.  
12 A. Certainly.  
13 Q. One is I will try hard not to talk over you,  
14 and if you could do the same for me. That  
15 would really help out the court reporter.  
16 A. Absolutely.  
17 Q. The second thing I will ask is that I will  
18 try to ask you clear questions. If you don't  
19 ask me to clarify, I'll assume you understood  
20 and that will be great.  
21 A. Absolutely.  
22 Q. You mentioned you took a look at some  
23 patents, do you recall what patents those  
24 were?  
25 A. Obviously I reviewed in great detail the

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1 Q. I believe you have been deposed previously,  
2 right?  
3 A. I have been.  
4 Q. How many times?  
5 A. Certainly twice, possibly three times, but  
6 I don't remember.  
7 Q. Do you recall the circumstances of those  
8 prior depositions?  
9 A. They were part of litigation. One was a  
10 patent case, and the other was a trade secret  
11 case. Those are the ones I remember. There  
12 probably was a third patent case, as well.  
13 Q. I want to start by just understanding what  
14 you did to prepare for your deposition today?  
15 A. Sure.  
16 Q. I understand you are here on behalf of  
17 Samsung Electronics, correct?  
18 A. Sorry.  
19 Q. You are here on behalf of Samsung  
20 Electronics?  
21 A. Correct.  
22 Q. What did you do to prepare for your  
23 deposition today?  
24 A. I was given and read a number of  
25 references, including patents. I remembered

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1 Bas Ording patent at issue, 381. I also  
2 looked at the several patents that I cite in  
3 my declaration, in particular Lira and Van  
4 Den Hoven.  
5 Q. Do you recall looking at any other patents to  
6 prepare for today's deposition?  
7 A. Probably I looked at but did not study in  
8 great detail other materials.  
9 Q. What about references, you referred to  
10 various references?  
11 A. Some of the literature references I  
12 remembered, some of them were found. I did  
13 not take the time to reread them in detail  
14 because for the most relevant ones, I knew  
15 what they were about.  
16 Q. You also referred to conversations with  
17 counsel?  
18 A. Um-hum.  
19 Q. And I don't want to invade any work product  
20 between you and your counsel, or certainly  
21 your counsel's work product. I did want to  
22 get a better sense of when those  
23 conversations occurred and how long they  
24 were?  
25 A. I believe they started early July when the

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1 detect, and I'm going to scroll in the  
2 vertical direction upwards, and here I have a  
3 different portion, which is the second  
4 portion.

5 And now I'm going to scroll a  
6 little more and there's even less of the mail  
7 file showing. In fact, there is area below  
8 Catherine Thompson, which is white and which  
9 is differentiated from Catherine Thompson by  
10 a very thin, single pixel lines of  
11 demarcation.

12 Q. Could you hold that up? Thank you.

13 A. Now, when I let go, it snaps back. The  
14 movement is subtle and I don't know whether  
15 you caught it. Do you want me to repeat it?

16 Q. Please.

17 A. Okay. So I'm near the edge for my  
18 starting position, the bottom edge of the  
19 mail file. I'm not going to scroll up like  
20 so until I am just at Sarah Carlson, like so.  
21 And now when I let go, it bounces back and I  
22 see yet a different view of the mail file  
23 where there is nothing showing beyond the  
24 edge that I saw previously.

25 I have the bottom of the mail file

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1 in its entirety and it is different from  
2 first, second and third portions.

3 Q. What if we exceed the threshold?

4 A. If we exceed the threshold, then we don't  
5 get the bounce-back effect. There is no  
6 reversing of the direction or different  
7 direction, which is all the claim calls for,  
8 but bounce-back typically has this notion of  
9 the opposite direction. You are simply going  
10 to scroll the file so that most of it and  
11 eventually all of it becomes this gray no  
12 man's land.

13 Q. In which case there is no snap-back, correct?

14 A. There is no snap-back in any of the prior  
15 art, or I believe the patent itself and its  
16 specification if you go beyond a certain  
17 threshold.

18 Q. Looking at the blue button with the blue  
19 bar --

20 A. That's the chrome I was referring to  
21 earlier.

22 Q. That chrome is adjustable on the 1950,  
23 correct?

24 A. It is. Some of it is. In particular, in  
25 the E-mail application, I can move it up and

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1 down by moving the blue chrome button and  
2 having it overlay a different header to  
3 indicate selection. But it's not material to  
4 the demonstration because it isn't part of  
5 the electronic document.

6 Q. If you return to the E-mail list, and you  
7 drag the chrome all the way to the top of the  
8 E-mail list --

9 A. I haven't done that, but let's see if we  
10 can do that. Like so?

11 Q. Yes. And if you pull the E-mail list down?

12 A. If I pull the E-mail list down, like so.

13 Q. And now -- that's perfect.

14 A. Like so. Now, we have this border region  
15 beyond the electronic document at the top.

16 Q. Could you actually help me by lowering the  
17 chrome slightly, maybe to a quarter of the  
18 screen?

19 A. Um-hum. On top of Ben Bederson, is that  
20 where you would like it?

21 Q. That would be perfect. Can you scroll the  
22 list up by, perhaps, so it fills the entire  
23 screen? Now, if you take the list and you  
24 move the list by less than the threshold  
25 amount, it will only snap to a given object

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1 in the list, correct?

2 A. I believe that to be the case. Let's just  
3 move it a little, and it snapped back.

4 Q. And that is true -- let me start again. When  
5 you were at the very bottom of the list, when  
6 it reached what you referred to as the edge,  
7 the threshold amount was based on the size of  
8 the object, correct, it's related to the size  
9 of the object?

10 MR. BRIGGS: Objection.  
11 Foundation.

12 A. I believe it's certainly  
13 application-dependent, but size of object,  
14 what do you mean by object in this case?

15 Q. For example, when you looked at the source  
16 code, do you recall a function known as  
17 snap-to-object?

18 A. That sounds familiar, but I can't recall  
19 the specifics.

20 Q. Could you rehighlight the screen, or turn it  
21 back on?

22 A. Yes.

23 Q. When you are moving the list on the 1950 with  
24 LaunchTile, isn't it true that when you  
25 remove the stylist what, in fact, occurs is

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1 about it, including the bounce-back and the  
 2 whole attraction and repulsion grid alignment  
 3 system that they used in it. But on such an  
 4 early stage product as the iPAQ, or, for that  
 5 matter, the Sony device, it's not that  
 6 successful because the processor is too slow.  
 7 There is too little memory. The touchscreen  
 8 does not have adequate resolution. The  
 9 screen does not have adequate resolution. So  
 10 the user experience on those devices with  
 11 software from five years ago can't be  
 12 directly compared to a modern device with its  
 13 resolution and its image quality. It had a  
 14 far greater amount of time that was spent in  
 15 engineering it.

16 Q. Have you owned prior versions of the iPhone?

17 A. I owned the first iPhone, too, whatever  
 18 that model number is, maybe a 3. Is that  
 19 what the first release was, an iPhone 3?

20 Q. Did you own an iPhone in 2007?

21 A. No. I'm not an early adopter.

22 Q. Do you believe that Apple innovated a number  
 23 of user interface technologies in its iPhones  
 24 that you used?

25 MR. BRIGGS: Objection. Vague.

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1 Lacks foundation.  
 2 A. We are now so far afield. What do you  
 3 mean by innovate and so on? Apple knows  
 4 goods industrial design. It knows how to  
 5 make a product that is aesthetically pleasing  
 6 and attractive and nice to use. But as I  
 7 said, there are many features of the iPhone I  
 8 don't like. By the way, I carry a very  
 9 vanilla cell phone because I prefer its  
 10 interface to the iPhone's interface, so  
 11 that's one example where I think improvement  
 12 could be made. So overall, it's a successful  
 13 product because it deserves to be.

14 If you say that is the hallmark of  
 15 innovation I would say, okay, they innovated.  
 16 Certainly in terms of the UI, the quality of  
 17 the image, the ease-of-use features, for the  
 18 most part, it's very successful.

19 MR. HUNG: Mr. Briggs, I  
 20 understand that you and I have had a dispute  
 21 today, and also Dr. van Dam, as to the scope  
 22 of his opinions or not with respect to the  
 23 hypothetical device that we were going to  
 24 show Dr. van Dam. I understand that we agree  
 25 to disagree at this point. If there is

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1 follow-up, there is follow-up. But I  
 2 appreciate your time, Dr. van Dam. And we  
 3 are happy to close the deposition now.

4 MR. BRIGGS: Great. Thanks.

5 THE WITNESS: Very good. Thank  
 6 you.

7 THE VIDEOGRAPHER: It is 6 p.m.,  
 8 we are off the record. This concludes the  
 9 videotaped deposition of Andries van Dam on  
 10 September 14, 2011.

11 (DEPOSITION CONCLUDED AT 6:00 P.M.)

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1 CERTIFICATE  
 2 I, Barbara Warner, a Notary Public in  
 3 and for the State of Rhode Island, duly  
 4 commissioned and qualified to administer  
 5 oaths, do hereby certify that the foregoing  
 6 Deposition of Andries van Dam, a Witness in  
 7 the above-entitled cause, was taken before me  
 8 on behalf of the Plaintiff, at the offices of  
 9 Allied Court Reporters, 115 Phenix Avenue,  
 10 Cranston, Rhode Island on September 14, 2011  
 11 at 9:30 A.M.; that previous to examination of  
 12 said witness, who was of lawful age, he was  
 13 first sworn by me and duly cautioned to  
 14 testify to the truth, the whole truth, and  
 15 nothing but the truth, and that he thereupon  
 16 testified in the foregoing manner as set out  
 17 in the aforesaid transcript.

18 I further testify that the foregoing  
 19 Deposition was taken down by me in machine  
 20 shorthand and was later transcribed by  
 21 computer, and that the foregoing Deposition  
 22 is a true and accurate record of the  
 23 testimony of said witness.

24 Pursuant to Rules 5(b) and 30(f) of the  
 25 Federal Rules of Civil Procedure, original  
 transcripts shall not be filed in Court;  
 therefore, the original is delivered to and  
 retained by Plaintiff's attorney, Richard  
 S.J. Hung, Esquire.

Correction and signature pages were sent  
 to Plaintiff's Counsel, Todd M. Briggs.

IN WITNESS WHEREOF, I have hereunto set  
 my hand and seal this 15th day of September,  
 2011.

BARBARA WARNER, NOTARY PUBLIC/CERTIFIED  
 COURT REPORTER

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