

EXHIBIT 1

EXHIBIT 3
FILED UNDER SEAL

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
4

5 APPLE INC., a California
6 corporation,

7 Plaintiff,

8 vs. CASE NO. 11 cv 01846 LHK

9 SAMSUNG ELECTRONICS CO.,
10 LTD., a Korean business
11 entity; SAMSUNG ELECTRONICS
12 AMERICA, INC., a New York
13 corporation; SAMSUNG
14 TELECOMMUNICATIONS AMERICA,
15 LLC, a Delaware limited
16 liability company,
17 Defendants.

18
19 _____/
20
21 H I G H L Y C O N F I D E N T I A L
22 O U T S I D E C O U N S E L O N L Y

23 VIDEOTAPED DEPOSITION OF CHRISTOPHER STRINGER
24 REDWOOD SHORES, CALIFORNIA
25 FRIDAY, NOVEMBER 4, 2011

BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CCRR, CLR
CSR LICENSE NO. 9830
TSG JOB NO. 43706

2 Q Direct your attention back to the '889 design
3 patent.

4 A Yes.

5 Q Do you have any knowledge or information as
6 to whether or not photographs of that physical mockup
7 that you have in front of you, the 035 mockup, were
8 submitted to the patent office as part of the
9 application and prosecution process for the
10 '889 design patent?

11 A In my preparations for today, we looked at
12 copies of photographs of this object that I understand
13 are attached to this patent.

14 Q And so if I understand you correctly, it's
15 your understanding that the photographs that were
16 submitted to the patent office as part of the
17 '889 design patent depict the three dimensional mockup
18 that you have in front of you that we call the 035?

19 A It is my understanding, and my recollection
20 of yesterday's discussion, that the photographs that I
21 saw related to this model and this patent.

22 Q Right.

23 And I guess I'm trying to now figure out
24 what what photographs we're talking about so that
25 we're on the same page. So let me let me provide

1 some, and maybe that will help.

2 What's the next number?

3 THE REPORTER: 1171.

4 MR. ZELLER: 1171?

5 THE REPORTER: Yes.

6 MR. ZELLER: Please mark as Exhibit 1171
7 excerpts from the prosecution history of the
8 504,889 design patent.

9 (Document marked Exhibit 1171
10 for identification.)

11 THE WITNESS: Thank you.

12 MR. ZELLER: So you have both sets in front
13 of you at the same time, let's also please mark as
14 Exhibit 1172 I'm sorry. Actually, we marked this
15 before. What's this exhibit number? I think it's
16 841.

17 MR. JACOBS: He has the better photos. He
18 has the better photos.

19 MR. ZELLER: Don't worry. I gave you the
20 other set, too. I'm not trying to be totally unfair
21 here.

22 So I'm going to show you what I am fairly
23 confident was previously marked as Exhibit 841. We'll
24 in the interim confirm that that is the exhibit
25 number, but I believe I have it memorized now.

1 MR. JACOBS: Just put the Bates range into
2 the record.

3 MR. ZELLER: Yeah. And this, for the record,
4 is APLPROS000018778 through '18798.

5 MR. JACOBS: Mr. Stringer, as you're
6 discussing the meeting we had yesterday, if you can
7 describe what you did, as opposed to any particular
8 communications that you and I had on the subject, that
9 would avoid the need for me to instruct you each time
10 Mr. Zeller asks you a question.

11 THE WITNESS: Sorry. Say that again, please.

12 MR. JACOBS: If you can describe what you did
13 at the meeting by way of comparison, rather than what
14 I what what your and my discussion was on the
15 topic.

16 THE WITNESS: What I did yesterday?

17 MR. JACOBS: Yes.

18 THE WITNESS: In comparing these

19 MR. JACOBS: As Mr. Zeller is asking you
20 questions

21 THE WITNESS: Okay. Oh.

22 MR. JACOBS: If you can describe what you did
23 rather than our discussion

24 THE WITNESS: Got it.

25 MR. JACOBS: then I don't have to engage

1 in privilege discussions each time.

2 THE WITNESS: Right.

3 MR. ZELLER: Just generally speaking, avoid
4 disclosing the substance of the communications you had
5 with your counsel.

6 THE WITNESS: Got it.

7 MR. ZELLER: I put in front of you two
8 exhibits. One is Exhibit 1171, and another one is
9 Exhibit 841.

10 Q Are are either of these photographs

11 A Oh, 841. Okay.

12 Q Yes.

13 Or do they include photographs that you're
14 referring to?

15 A So document 1171 is of no material value, on
16 account of it appearing to be largely blank, with the
17 exception of some very poor quality shadowy images.
18 So I would prefer to not refer to that in any way or
19 form.

20 Document 841 for the most part resembles
21 photographs that I reviewed yesterday, but there
22 appear differences that may be immaterial to the
23 questioning.

24 Q Focusing on the photographs that are marked
25 here as Exhibit 841, is the three dimensional mockup

1 that's depicted in the photographs that we marked as
2 Exhibit 841, where the where the mockup is shown,
3 the same physical mockup that you have in front of you
4 that we call the 035 mockup?

5 A I believe you're asking me, are these
6 photographs of the subject? And it is my belief that
7 these are photographs of the object.

8 Q And so the record is clear, when you say

9 A Oh.

10 Q "the photographs," you're referring to the
11 photographs that are depicted in 841, and then the
12 object that you're pointing to and referring to is
13 what we call the 035 model?

14 A Yes.

15 MR. JACOBS: If we could just ask you,
16 Mr. Zeller, is this these this writing on this,
17 is this in the '841 that you that is in the record?
18 I'm looking at '18792.

19 MR. ZELLER: This is exactly how it was
20 produced to us.

21 MR. JACOBS: Oh, with these lines on it?

22 MR. ZELLER: Right.

23 THE WITNESS: I recall those lines yesterday.

24 MR. JACOBS: Okay.

25 MR. ZELLER: All right.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7 Q And that's one of the comparisons that you
8 see between the photographs and the three dimensional
9 model, the 035 model, that satisfied you that they're
10 one and the same?

11 A That is one of the details that satisfied me
12 that it was one and the same.

13 Q Directing your attention to '18790.

14 A Yes.

15 Q You'll see that, at least as shown in this
16 image here, there appears to be a somewhat thicker,
17 darker line that runs at least part of the perimeter
18 of the front of the device that can be seen there on
19 the front; do you see that?

20 A There are a number of parallel lines, one of
21 which is darker and broader than others.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3 Q Well, let me let me try it with another
4 image, and maybe we'll come back to this in a minute.
5 If you'd take a look at the next page, which is
6 '18791.

7 A Yes.

8 Q And maybe this is a better image to try and
9 work from, but you'll see that there is a a darker
10 line that runs in between the lighter colored housing
11 and then the so called glass, but is really plastic
12 flat surface; do you see that darker line?

13 A Yes.

[REDACTED]

█ [REDACTED]
█ [REDACTED]
█ [REDACTED]

4 (Document marked Exhibit 841A
5 for identification.)

6 MR. ZELLER: If we can go back to
7 Exhibit 1170. And by the way, did you want to send
8 those mockups back?

9 MR. JACOBS: That would be great.

10 MR. ZELLER: Okay. So let's go off the
11 record.

12 THE VIDEOGRAPHER: The time is 2:42 p.m., and
13 we are off the record.

14 (Recess taken.)

15 THE VIDEOGRAPHER: The time is 2:55 p.m., and
16 we are back on the record.

17 MR. ZELLER: Direct your attention to the
18 '889 design patent, which was previously marked as
19 Exhibit 8.

20 MR. JACOBS: I'll just hand you my copy.

21 THE WITNESS: All right. Thank you.

22 MR. ZELLER: Q. Please take a look at
23 Figure 1.

24 A Yes.

25 Q You'll see on Figure 1 that at least as part

1 of the -- at least along part of the -- generally what
2 we'll call the perimeter area of the front, there's a
3 darker, thicker line?

4 A Which figure are you looking at?

5 Q This is Figure 1.

6 A Figure 1.

7 Q Do you see where at least on part of the
8 perimeter, there is a line that is darker and thicker?

9 A Which would be the second line from the left
10 on the left side of the figure.

11 Q Right, on the left side.

12 And then on the bottom portion of Figure 1,
13 it appears to run -- to be the line that is -- that
14 the -- is the edge, at least from that perspective?

15 A It looks like the edge, yes.

16 Q Do you know what that thicker line depicts?

17 A It's -- on the lower edge, it's the -- it
18 looks like the edge of the housing.

19 Q Well, what about on the left side?

20 A It's the edge of the housing.

21 Q So on both the left side and the bottom side,
22 you construe that darker, thicker line to be where the
23 edge of the housing is?

24 A I do construe that. And it's -- my
25 assumption is confirmed by looking at Figure 3 that