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TELECOMMUNICATIONS AMERICA, LLC

15 |

16 | UNITED STATES DISTRICT COURT

17 | NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

18 |

19 | APPLE INC., a California corporation,

20 | Plaintiff,

21 | vs.

22 | SAMSUNG ELECTRONICS CO., LTD., a
Korean business entity; SAMSUNG
23 | ELECTRONICS AMERICA, INC., a New
York corporation; SAMSUNG
24 | TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,

25 |
           Defendant.
26 |

CASE NO. 11-cv-01846-LHK

SUPPLEMENTAL DECLARATION OF ADAM BOGUE

27 | FILED UNDER SEAL

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02198.51855/4794941.3

Case No. 11-cv-01846-LHK
SUPPLEMENTAL DECLARATION OF ADAM BOGUE

SUPPLEMENTAL DECLARATION OF ADAM BOGUE

I, Adam Bogue, declare:

1.   I have personal knowledge of the facts set forth herein, and am competent to testify to the same.

2.   I am currently the President and CEO of Circle Twelve, Inc. which currently manufactures and sells touch screen table devices known as the DiamondTouch table.

3.   I was previously the Vice President of Business Development at the Mitsubishi Electric Research Laboratories ("MERL"), where I was part of the team that developed the DiamondTouch table.

4.   I submit this declaration to supplement the Declaration of Adam Bogue, dated May 17, 2012 ("Bogue Declaration").

5.   The DiamondTouch table is a touch-sensitive touch screen display that was originally developed at MERL in 2001. As I've stated during my March 9, 2012 deposition,

Redacted

(Bogue 3/9/12 Dep. Tr. at 9:22-24). A true copy of excerpts from my deposition transcript are attached here as Exhibit 1. I further described it as Redacted in a Q&A type of document which was marked as Exhibit 10 in my March 9, 2012 deposition. A true correct copy of this document is attached here as Exhibit 2.

6.   The DiamondTouch table was also named and sold as the Redacted , which was marked as Exhibit 2 in my March 9, 2012 deposition. A true copy of this document is attached here as Exhibit 3.

7.   I am intimately familiar with the DiamondTouch Table, DTFlash, and Tablecloth because one of my jobs at MERL was to demonstrate the DTFlash Demonstrations and Tablecloth on the DiamondTouch table to potential customers and visitors to the MERL lobby.

8. In the DTFlash demo folders, there is a README.txt file that explains how to configure settings in Internet Explorer so that anyone can run the DTFlash applications correctly. A true copy of the README.txt file is attached as Exhibit 3 to the Bogue Declaration. The demo table in the MERL lobby was set according to the instructions in the README.txt file to ensure proper running of the DTFlash applications, including the Tablecloth application.
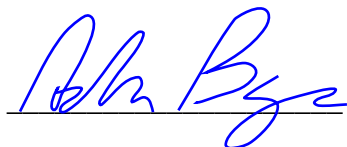
9. I have reviewed the video Exhibit 2 to Declaration of Ravin Balakrishnan, Ph.D. in Support Of Apple's Opposition to Samsung's Motion for Summary Judgment (Balakrishnan Declaration). This video does not depict the proper functionality of the Tablecloth application, and does not reflect how this application was used in public. It appears that Dr. Balakrishnan has configured the system in a manner that causes the Internet Explorer window to lose focus. I can tell that it loses focus because color of the title bar of the Internet Explorer window changes. This is not the configuration that was used. A system configured to run correctly will not encounter these errors.

10. The demo table in the MERL lobby and the demo tables at various trade shows were set according to the instructions in the README.txt file. The video files attached as Exhibits 4 and 5 to Bogue Declaration show the Tablecloth application as it operated when it was first created and shown to public, including visitors of the MERL lobby and potential customers at various tradeshows, starting in or around early 2005.

11. The foregoing is based on my personal knowledge of the facts as set forth above, to the best of my knowledge and recollection. I am competent to testify to do the same, and if so called to testify, I would testify to the same.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Framingham, MA on June 7, 2012

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Adam Bogue

SUPPLEMENTAL DECLARATION OF ADAM BOGUE