

EXHIBIT 11

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

4 APPLE INC., a California
corporation,

5 Plaintiff,

Case No.

6 vs.

11-CV-01846-LHK

7
8 SAMSUNG ELECTRONICS CO., LTD.,
a Korean business entity;
9 SAMSUNG ELECTRONICS AMERICA,
INC., a New York corporation;
10 SAMSUNG TELECOMMUNICATIONS
AMERICA, LLC, a Delaware
limited liability company,

11 Defendants.

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14
15 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

16
17 VIDEOTAPED DEPOSITION OF RICHARD HOWARTH
18 San Francisco, California
19 Monday, October 31, 2011
20

21
22
23 REPORTED BY:

24 CYNTHIA MANNING, CSR No. 7645, CLR, CCRR
25 JOB NO. 43007

1 your understanding.

2 THE WITNESS: My understanding is that's
3 what that is trying to represent.

4 BY MR. ZELLER:

5 Q. It is perspective, but you're not
6 certain?

7 MR. MONACH: Object to the form of the
8 question.

9 THE WITNESS: It's possible that that's
10 what that represents.

11 BY MR. ZELLER:

12 Q. But, again, you can't say with certainty
13 whether or not that's -- that tapering is because
14 of perspective, as opposed to whether or not the
15 design is actually showing that there is some kind
16 of tapering?

17 MR. MONACH: Objection; lack of
18 foundation. Objection, to the extent it calls for
19 a legal conclusion; asked and answered.

20 You can do it again.

21 THE WITNESS: In my opinion, as an
22 industrial designer and not a patent lawyer, I
23 think that that looks like it is an object with
24 perspective and not a tapering geometry.

25 //

1 BY MR. ZELLER:

2 Q. And from your perspective, is that -- is
3 that an accurate depiction of perspective?

4 MR. MONACH: Objection; lack of
5 foundation, incomplete hypothetical. Objection;
6 vague.

7 THE WITNESS: Yes, it could be.

8 BY MR. ZELLER:

9 Q. Can you say with any certainty if it is?

10 MR. MONACH: Same objection.

11 THE WITNESS: I can't say with any
12 certainty without -- whether that's an absolutely
13 accurate perspective view. But it looks okay. It
14 looks possible.

15 BY MR. ZELLER:

16 Q. You'll see also in Figure 9 that there is
17 a portion of it that has a thicker, darker line
18 that runs around the perimeter of the front.

19 Do you see that?

20 A. Yes, I see that.

21 Q. What does that depict?

22 MR. MONACH: Objection; lack of
23 foundation. Object, to the extent it calls for a
24 legal conclusion.

25 THE WITNESS: It's unclear to me exactly

1 what that is trying to depict.

2 BY MR. ZELLER:

3 Q. Does it depict a gap or a groove?

4 MR. MONACH: Same objection; lack of
5 foundation. Objection, to the extent it calls for
6 a legal conclusion.

7 THE WITNESS: I'm not sure what that
8 precise detail is trying to depict. But it looks
9 like the separation between two parts to me. Not
10 the separation; it looks like the joint between
11 two parts.

12 BY MR. ZELLER:

13 Q. And directing your attention to Figure 1,
14 you'll see that also at least on part of the
15 perimeter of this front surface there is a darker
16 line there as well, darker, thicker line?

17 A. I see that.

18 Q. And do you have an understanding as to
19 what that's depicting?

20 MR. MONACH: Objection; lack of
21 foundation. Object, to the extent it calls for a
22 legal conclusion.

23 THE WITNESS: I couldn't tell you exactly
24 what that's trying to depict.

25 //

1 BY MR. ZELLER:

2 Q. Is that darker, thicker line depicting a
3 gap or a groove?

4 MR. MONACH: Same objection. Lack of
5 foundation, calls for a legal conclusion.

6 THE WITNESS: In my opinion as an
7 industrial designer, it doesn't look like that's
8 trying to depict a groove or a gap. It looks like
9 it's perhaps trying to show a radius or an
10 intersection of the rear housing, perhaps.

11 BY MR. ZELLER:

12 Q. But you're not certain?

13 MR. MONACH: Same objection. Asked and
14 answered.

15 THE WITNESS: I'm not certain.

16 BY MR. ZELLER:

17 Q. You'll see that the date of this design
18 patent for filing -- and this is on the first
19 page --

20 A. Okay.

21 Q. -- in the middle of the first column,
22 March 17th, 2004.

23 Do you see that date there?

24 A. Yes, I do.

25 Q. Prior to March 17th, 2004, which is the