

# EXHIBIT 3

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 H I G H L Y C O N F I D E N T I A L  
20 O U T S I D E C O U N S E L O N L Y

21 VIDEOTAPED DEPOSITION OF CHRISTOPHER STRINGER  
22 REDWOOD SHORES, CALIFORNIA  
23 FRIDAY, NOVEMBER 4, 2011

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

1 A Yes.

[REDACTED]

█ █ █  
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.



1 Q And setting aside the various lines and  
2 drawings that appear to be on these photographs, you  
3 understood I was asking you about the object that's  
4 depicted in the actual photographs; is that correct?

5 A Yes.

6 Q And without disclosing the substance of what  
7 you discussed with your counsel, did did you  
8 satisfy yourself that the 035 mockup is, in fact,  
9 what's in the the photographs that we've marked as  
10 Exhibit 841?

11 A I am convinced from studying both the object  
12 035 and the Document 841 that these are one and the  
13 same object.

14 Q And that comparison that you did led you to  
15 be satisfied that they're one and the same?

16 A Yes. I studied the photographs. I studied  
17 the object. I believe that these are photographs of  
18 model Apple Proto 035.

■ [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]

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 text block containing multiple paragraphs of blacked-out content]

█ [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