

KANG DECLARATION EXHIBIT 12

Exhibit 36
(Submitted Under Seal)

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
4 Civil Action No.: 11-CV-01846-LHK

5 APPLE, INC., a California corporation,
6 Plaintiff,

7 vs.

8 SAMSUNG ELECTRONICS CO., LTD.,
9 a Korean business entity, et al.
10 Defendants.

11 UNITED STATES INTERNATIONAL TRADE COMMISSION
12 WASHINGTON, D.C.

13 In the Matter of:

14 CERTAIN ELECTRONIC DIGITAL Case No.:
15 MEDIA DEVICES AND COMPONENTS 337-TA-796
16 THEREOF

17 *** HIGHLY CONFIDENTIAL - PURSUANT TO PROTECTIVE ORDER ***

18 VIDEOTAPED PERSONAL DEPOSITION OF:

19 SEOGGUEN KIM - VOLUME 1

20
21
22
23 February 29, 2012
24 Kim & Chang
25 Seoul, South Korea
9:04 A.M. - 4:34 P.M.

Page 6

1 PROCEEDINGS
2 (February 29, 2012 at 9:04 a.m.)
3 THE VIDEOGRAPHER: We are now on the record in
4 the matter of Apple, Inc. vs. Samsung Electronics
5 Company, Ltd., et al., before the United States District
6 Court, Northern District of California, San Jose Division,
7 Case No. 11-CV-01846-LHK.
8 Today's date is 29th February, 2012. The time
9 now is 9:04. This is the video recorded individual
10 deposition of SeogGuen Kim. The deposition is taking
11 place at Kim & Chang, Jeongdong Building, 9th Floor,
12 Jung-gu, Seoul, Korea.
13 I am Wah Kit Ip, deposition video specialist
14 with American Realtime Court Reporters Asia. The court
15 reporter is Mike Miller, also with American Realtime Court
16 Reporters Asia.
17 Will all the attorneys please identify
18 themselves and the parties they represent.
19 MR. GRANT KIM: Grant Kim of Morrison &
20 Foerster for the Plaintiff, Apple, Inc.
21 MR. CEDERBERG: Jon Cederberg of Quinn Emanuel
22 Urquhart & Sullivan for the Samsung Defendants.
23 MR. GRANT KIM: The court reporter has asked me
24 to read the following statement:
25 We understand the court report is not

Page 8

1 Q. Is there any reason that it would be difficult
2 for you to testify truthfully today?
3 A. No.
4 Q. What is your current position with Samsung
5 Electronics?
6 A. I am responsible for mobile design at Mobile
7 Communication Business Division at Samsung Electronics.
8 Q. And what is your official title?
9 A. Vice president.
10 Q. Okay. And how long have you held that
11 position?
12 A. I'm entering third year. I've been doing it
13 for two years.
14 Q. Okay. So you began in January 2010; is that
15 right?
16 A. Yes, correct.
17 Q. And what was your position before that?
18 A. We call it principal, but it's actually
19 principal manager level.
20 (A discussion was had off the record between
21 Lead Interpreter and Check Interpreter in Korean.)
22 LEAD INTERPRETER: "Senior management."
23 CHECK INTERPRETER: "We call it principal
24 engineer. It's a level of senior manager."
25 BY MR. GRANT KIM:

Page 7

1 authorized to administer oaths in this venue.
2 Nevertheless, we request that he administer the oath and
3 we stipulate that we waive any objection to the validity
4 of the deposition based on the oaths.
5 THE REPORTER: Agreed?
6 MR. CEDERBERG: Agreed.
7 (Interpreters sworn.)
8 SEOGGUEN KIM,
9 having been duly sworn, testified as follows:
10 EXAMINATION
11 BY MR. GRANT KIM:
12 Q. Good morning, Mr. Kim. My name is Grant Kim,
13 and I will be asking you some questions today on behalf of
14 Apple.
15 A. Okay.
16 Q. Have you ever had your deposition taken before?
17 A. No.
18 Q. Okay. Well, I'm sure your attorney's
19 explained, but basically I'll be asking some questions and
20 you will be responding, and I just want to confirm that
21 you understand that you have taken an oath to testify
22 truthfully today.
23 THE REPORTER: The answer?
24 A. Yes, I know.
25 BY MR. GRANT KIM:

Page 9

1 Q. And how long did you hold that position?
2 A. Sir, are you referring to my position at Mobile
3 Communication Business Unit or my position as a senior
4 manager?
5 Q. Mobile division, please.
6 A. Two years.
7 Q. So that was from 2007 or 2008?
8 A. Yes.
9 Q. Which year was it, do you recall?
10 A. I don't have a precise recollection.
11 BY MR. GRANT KIM:
12 Q. Okay. When did you join Samsung?
13 A. I joined in 1989.
14 Q. Okay. And between 19- -- okay. 1989? Okay.
15 (SG Kim Deposition Exhibit 1730 marked.)
16 BY MR. GRANT KIM:
17 Q. I'm showing you a document that's been marked
18 as Exhibit 1730. It's an organizational chart dated
19 January 2012. It's very long, but I'm going to focus on
20 S-ITC-003006129, which is about five pages in. And for
21 the record, the Bates number of the document, it begins
22 with S-ITC-003006124 and continues through 6249.
23 MR. CEDERBERG: And for the record, I will ask
24 if you have an English translation of this document, and
25 if not, I would object to the questioning of the document

1 we've gone back on the record, I would like to request
2 that this morning's session and this afternoon's session
3 be designated highly confidential.

4 BY MR. GRANT KIM:

5 Q. I'm showing you a document that's previously
6 been marked as Exhibit 1661.

7 MR. GRANT KIM: That's from the deposition
8 yesterday, so we just have our working copy.

9 MR. CEDERBERG: Okay.

10 BY MR. GRANT KIM:

11 Q. It has Bates numbers SAMNDCA00176172 through
12 176202. Do you recognize Exhibit 1661?

13 A. No, not really.

14 Q. I'd like to ask you to turn to the page ending
15 176170 -- I'm sorry, 176178. It says "Executive Summary"
16 at the top, and then there's a reference to "iPhone
17 design" and "premium design." Do you see that?

18 A. Yes.

19 Q. Now, regardless of this document, have you ever
20 heard that iPhone design is associated with premium
21 design?

22 MR. CEDERBERG: Vague and ambiguous.

23 A. Personally, I believe it's a minimal design.

24 BY MR. GRANT KIM:

25 Q. Okay. And have you heard from anybody that the

1 on the roadmap, is it important for you to understand the
2 design strategy of competing companies?

3 MR. CEDERBERG: Vague and ambiguous.

4 A. It is meaningful to identify the trend of
5 competitors.

6 BY MR. GRANT KIM:

7 Q. And why is that?

8 A. I believe it is important to identify and
9 recognize the style of product lines of competitors.

10 CHECK INTERPRETER: Interjection: "I think it
11 is meaningful to identify and recognize the style of the
12 overall products of the competitors."

13 (SG Kim Deposition Exhibit 1736 marked.)

14 BY MR. GRANT KIM:

15 [REDACTED]

1 iPhone design is associated with premium design?

2 MR. CEDERBERG: Vague and ambiguous.

3 A. I haven't heard it.

4 BY MR. GRANT KIM:

5 Q. When you say iPhone design is minimal design,
6 what do you mean?

7 MR. GRANT KIM: Courtesy translation.

8 A. Minimal, the word minimal actually comes from
9 the history of art, and the art academia recognize this as
10 a new genre, and this is a new -- this is a keyword.

11 (Interruption by the reporter.)

12 CHECK INTERPRETER: G-E-N-R-E.

13 A. So the genre in fine arts has influenced the
14 design, so the minimal refers to a clean and simple image.

15 BY MR. GRANT KIM:

16 Q. Okay. Has Product Design Part 1 ever conducted
17 any studies of the design strategy of Apple?

18 MR. CEDERBERG: Vague and ambiguous.

19 A. Also, I am responsible for product design, even
20 if I'm the group leader and the Design Part 1 leader, and
21 I'm not much involved in strategy. And as you can see in
22 the organization chart, I execute design that is on the
23 roadmap.

24 BY MR. GRANT KIM:

25 Q. Okay. And in order to execute designs that are

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5 Q. Is it correct that -- I'm finished with that
6 document.
7 Is it correct that sometimes in your ordinary
8 course of business you obtain -- you receive reports about
9 actual iPhone products?
10 A. Yes, I did.
11 Q. Okay.
12 A. At the time.
13 Q. Right. You got this report that we've just
14 been looking at which is Exhibit 1736; is that right?
15 A. Yes. Yes, as a member of the team.
16 Q. Okay. I'm going to show you some other
17 documents which came from your files, and I'm just going
18 to be asking basically if you received them.
19 (SG Kim Deposition Exhibit 1737 marked.)
20 BY MR. GRANT KIM:
21 Q. I'm showing you a document that's been marked
22 as Exhibit 1737 with Bates numbers SAMNDCA10805507 through
23 10805531, and it says, "iPhone 3GS New/Upgraded Feature
24 Review."
25 MR. GRANT KIM: I apologize. I usually have an

1 MR. GRANT KIM: And, I'm sorry. This is the
2 best copy we have. It came from your files, but it's very
3 small and hard to read, and I'd ask counsel to check if
4 you have a better copy.

5 BY MR. GRANT KIM:

6 Q. The first page has the word "Middleless." Do
7 you know the meaning of that word?

8 A. So I saw -- I see this document for the first
9 time, I may just have downloaded it. And it seems this
10 paper was prepared by our engineering team, and I don't
11 know the meaning of "middleless."

12 CHECK INTERPRETER: "I see this document for
13 the first time, and if it was from -- if, indeed, was from
14 my computer, I might have just downloaded it. And it
15 appears that this document may have been prepared by the
16 development side. And as to the meaning of "middleless,"
17 I do not know."

18 BY MR. GRANT KIM:

19 Q. Okay. Does it appear that if you look at the
20 rest of the report, that "middleless" refers to the fact
21 that Apple products are so thin, it's almost like there's
22 no middle to them?

23 MR. CEDERBERG: Vague, ambiguous, no foundation
24 as to personal knowledge, speculation, calls for a
25 conclusion.

[REDACTED]

1 A. I don't think I'm -- I can answer your
2 question.

3 BY MR. GRANT KIM:

4 Q. Yeah. I've never heard the term "middleless"
5 either, so...

6 In any event, can you turn to page 8, which
7 ends with 1806784. Is this a photo of a teardown analysis
8 of the iPhone 4G?

9 MR. CEDERBERG: Vague and ambiguous,
10 speculation, no foundation as to personal knowledge.

11 A. Personally, that's what it looks like.

12 BY MR. GRANT KIM:

13 Q. In the ordinary course of business, do Samsung
14 engineers conduct a teardown analysis of competing
15 products?

16 MR. CEDERBERG: Vague, ambiguous, speculation,
17 foundation.

18 A. To my knowledge, I think the team also conducts
19 analysis on competing product, just like our team does.

20 (SG Kim Deposition Exhibit 1741 marked.)

21 BY MR. GRANT KIM:

22 Q. [REDACTED]

[REDACTED]



17 BY MR. GRANT KIM:
 18 Q. Are you familiar with the Galaxy S
 19 smartphone -- let me strike that question.
 20 Were you involved in the development of the
 21 Galaxy S smartphone?
 22 A. Yes. Me and my immediate subordinate was
 23 involved in the development of the Galaxy smartphone.
 24 Q. And when the design of the Galaxy S smartphone
 25 was created, was that based on the archetype design?

1 2009.
 2 BY MR. GRANT KIM:
 3 Q. Okay.
 4 A. So when it comes to archetype design, I was
 5 only responsible for exterior design.
 6 Q. Okay.
 7 CHECK INTERPRETER: "Exterior product design."
 8 BY MR. GRANT KIM:
 9 Q. Can you turn to page 30 which ends with the
 10 Bates number 10808711, and it says, "Full touch QWERTY,"
 11 Q-W-E-R-T-Y. Is it correct that beginning on this page
 12 for a number of following pages, there are various
 13 archetype designs for a full -- for a QWERTY phone?
 14 MR. CEDERBERG: Vague, ambiguous, speculation,
 15 foundation.
 16 A. This is what we did when we came up with
 17 archetype designs.
 18 BY MR. GRANT KIM:
 19 Q. Okay. And at page 47, which ends with 10808728
 20 it says "Business Smartphones." Do you see that?
 21 MR. CEDERBERG: Excuse me. Misstates the
 22 document.
 23 MR. GRANT KIM: Okay.
 24 BY MR. GRANT KIM:
 25 Q. Okay. My overall question is: I see several

1 MR. CEDERBERG: Vague, ambiguous, speculation,
 2 foundation.
 3 A. Yes, it was based on the archetype design.
 4 MR. GRANT KIM: Okay. You know, I was planning
 5 to go longer, but because it's so hot, I'm thinking it
 6 would be better to take a break. I'm happy to continue --
 7 MR. CEDERBERG: Why don't we take a break. I
 8 think more breaks are better with this heat.
 9 MR. GRANT KIM: I think it's better, because
 10 it's like a sauna in here.
 11 THE VIDEOGRAPHER: Off the record at 1349.
 12 (Recess taken, 1:49 p.m. to 2:07 p.m.)
 13 THE VIDEOGRAPHER: Back on the record. It's
 14 1407.
 15 (SG Kim Deposition Exhibit 1742 marked.)
 16 BY MR. GRANT KIM:
 17 Q. Mr. Kim, I'm showing is you a document that's
 18 been marked as Exhibit 1742. It says "Business Archetype
 19 Design 2009," and it has Bates numbers SAMNDCA10808682
 20 through 758. This was produced from your files.
 21 Does Exhibit 1742 include a number of different
 22 Samsung archetype designs for 2009?
 23 MR. CEDERBERG: Vague, ambiguous, foundation,
 24 document speaks for itself.
 25 A. It is business archetype design for the year

1 headings like "QWERTY." I see "Business Smartphones." On
 2 page 60 I see "Featured Messaging."
 3 And my just general question is: Is it correct
 4 that Exhibit 1742 shows Samsung archetype designs for
 5 several different types of phones?
 6 MR. CEDERBERG: Vague, ambiguous, compound.
 7 A. Even though I was not involved in preparing
 8 this document, it seems these are the -- these are what we
 9 did when we prepared archetype designs.
 10 BY MR. GRANT KIM:
 11 Q. Okay. Was the Galaxy S smartphone designed
 12 based on any of the archetype designs in Exhibit 1742?
 13 MR. CEDERBERG: Vague, ambiguous, speculation.
 14 A. We did use the archetype design based on one of
 15 the styles that were created.
 16 BY MR. GRANT KIM:
 17 Q. Okay. Is it in this document, the archetype
 18 design that you used?
 19 A. So this is how we work. We do not transplant
 20 what we have here to our commercial product. We came
 21 up -- we come up with a motif, and we continuously refine
 22 it and come up with the final archetype design.
 23 But you could say that we did have motif to
 24 come up with the Galaxy S smartphone archetype design.
 25 Q. Okay. So are you saying that the 2009

Page 94

1 archetype designs gave you some general ideas, but then
2 when you designed the Galaxy S smartphone, you were then
3 shifting to a specific design that was not exactly the
4 same as any of the 2009 archetypes?
5 MR. CEDERBERG: Vague, ambiguous.
6 A. So we keep refining the designs, so what came
7 first could be different, different from what actual comes
8 as a product.
9 CHECK INTERPRETER: Interjection: "As to the
10 design, it is subject to an ongoing refinement, so the
11 design could -- it's possible the design actually could be
12 different from the initial one."
13 BY MR. GRANT KIM:
14 Q. Okay. But looking at Exhibit 1742, are there
15 any specific 2009 archetypes that you relied on in
16 creating the Galaxy S design?
17 MR. CEDERBERG: Vague and ambiguous.
18 A. Since I was not personally involved in this
19 archetype design, I cannot pinpoint one.
20 BY MR. GRANT KIM:
21 Q. Were you responsible for the Galaxy S design?
22 MR. CEDERBERG: Objection, vague, ambiguous.
23 A. I did it together.
24 BY MR. GRANT KIM:
25 Q. Together with Mr. MinHyouk Lee; is that

Page 96

1 Could you read the first bullet point that begins with
2 iPod?
3 A. "Apple's own simple design that is associated
4 with iPod series."
5 Q. Okay. Now, it refers to iPod here, but is this
6 referring to the iPhone?
7 MR. CEDERBERG: Objection, speculation, vague
8 and ambiguous.
9 A. I did not prepare this report myself, but as to
10 my personal opinion, I believe this is iPod, not iPad.
11 BY MR. GRANT KIM:
12 Q. Okay.
13 CHECK INTERPRETER: "iPhone."
14 A. iPod, not iPhone.
15 BY MR. GRANT KIM:
16 Q. All right. And then on the left side, do you
17 see it says "2007." Is that a photo of the iPhone above
18 2007?
19 MR. CEDERBERG: Speculation, vague and
20 ambiguous.
21 A. I cannot tell whether it's iPhone or iPad.
22 BY MR. GRANT KIM:
23 Q. Did you say "iPhone or iPad" or "iPhone or
24 iPod"?
25 A. I do not know whether it's iPhone or iPod.

Page 95

1 correct?
2 A. Yes.
3 Q. Okay. And did you and Mister -- what I'm -- I
4 understand your comment that you generally looked at the
5 archetype designs. My question is: Looking at the
6 archetype designs for 2009, are there any specific designs
7 here that you consider that were particularly important
8 when you and Mr. Lee designed the Galaxy S smartphone?
9 (A discussion was had off the record between
10 Lead Interpreter and Check Interpreter in Korean.)
11 MR. CEDERBERG: Vague, ambiguous, assumes facts
12 not in evidence.
13 A. I see this document for the first time today,
14 so I need more time to look through it.
15 BY MR. GRANT KIM:
16 Q. Please go ahead and look now.
17 A. I think the question you just asked should be
18 directed to Lee MinHyouk, the vice president.
19 LEAD INTERPRETER: Phonetically spelled as
20 M-I-N-H-Y-U-K -- I'm sorry, H-E-O-K, Lee, L-E-E.
21 BY MR. GRANT KIM:
22 Q. Okay. Could you turn to page 13 of
23 Exhibit 1742, which ends with number 10808694. And at the
24 top it says, "Competitor Analysis, Apple," and there's a
25 box that says, "Design an interface" on the bottom right.

Page 97

1 Q. Okay. When you designed the Galaxy S with
2 Mr. MinHyouk Lee, did you give any consideration to the
3 design of the iPhone?
4 MR. CEDERBERG: Vague, ambiguous, speculation.
5 A. No.
6 BY MR. GRANT KIM:
7 Q. Not at all?
8 MR. CEDERBERG: Same objections.
9 MR. GRANT KIM: I think he gave an answer that
10 wasn't translated.
11 A. No.
12 CHECK INTERPRETER: "I couldn't have."
13 BY MR. GRANT KIM:
14 Q. You said you couldn't have given any
15 consideration to the iPhone design. Why is that?
16 A. We tried to come up with our own phone.
17 Q. Okay. So in trying to come up with your own
18 phone, did you consider it important to make a design that
19 was different from the iPhone?
20 MR. CEDERBERG: Vague and ambiguous.
21 A. I do not understand what you mean by "design
22 different from the iPhone."
23 BY MR. GRANT KIM:
24 Q. Well, when you designed the Galaxy S, did you
25 care if it looked similar to the iPhone?

1 MR. CEDERBERG: Objection, vague, ambiguous,
2 misstates the evidence, argumentative.

3 A. I believe in terms of design, the two products
4 are not similar.

5 BY MR. GRANT KIM:

6 Q. When you were actually designing the Galaxy S,
7 did you make a deliberate effort to make the design
8 different from the iPhone?

9 MR. CEDERBERG: Vague, ambiguous.

10 A. I think design is trying to express our own
11 unique distinctiveness under the given circumstances, and
12 we try to do that.

13 BY MR. GRANT KIM:

14 Q. So in the case of the Galaxy S, are you saying
15 that you tried to express Samsung's unique distinctiveness
16 in a way that was different from the iPhone?

17 MR. CEDERBERG: Vague, ambiguous.

18 A. We try to express our unique identity under
19 Samsung's own design philosophy and brand recognition.

20 BY MR. GRANT KIM:

21 Q. Okay. And is Samsung's own unique design
22 philosophy different from Apple's?

23 MR. CEDERBERG: Objection. Excuse me,
24 objection, vague, ambiguous, speculation, no foundation as
25 to personal knowledge.

1 MR. CEDERBERG: Excuse me. Objection, vague,
2 ambiguous, compound.

3 A. When you say "similar," can you elaborate on
4 which areas do you think are similar --

5 BY MR. GRANT KIM:

6 Q. I'm referring to the similarity in the external
7 appearance of the phone.

8 MR. CEDERBERG: Same objections, vague,
9 ambiguous, compound.

10 A. So in relation to exterior of phones, the size
11 of Samsung phones are different from that of Apple, as
12 well as the location of jacks and knobs.

13 CHECK INTERPRETER: "So there are differences
14 in such detail."

15 BY MR. GRANT KIM:

16 Q. Okay. My question is not related to the final
17 product. My question is: When you and Mr. MinHyook Lee
18 were developing the Samsung Galaxy S smartphone design,
19 was one of your goals to make a design that was different
20 from the iPhone?

21 MR. CEDERBERG: Vague and ambiguous.

22 A. Our goal is not to develop a smartphone that's
23 different from iPhone, but to develop a smartphone with
24 our own identity.

25 BY MR. GRANT KIM:

1 A. As was -- in the morning session, I explained
2 about the second phase of Samsung design philosophy, and
3 based on that philosophy, we developed our product design.
4 So Samsung design has 30 years of -- about 30 years of
5 history, and we have made sufficient investment that fits
6 our history, and we have already built a design philosophy
7 and brand recognition, and we are also conducting
8 training.

9 CHECK INTERPRETER: "We are conducting adequate
10 training."

11 BY MR. GRANT KIM:

12 Q. Do you know whether Samsung's design philosophy
13 is different from Apple's?

14 MR. CEDERBERG: Objection, vague, ambiguous,
15 speculation, no foundation as to personal knowledge,
16 assumes facts not in evidence.

17 A. So because I'm not familiar with Apple's design
18 philosophy, I cannot make comparison; and in the morning
19 session, I did explain about our design philosophy.

20 BY MR. GRANT KIM:

21 Q. Okay. So when you designed the Galaxy S, was
22 it your goal to focus on making a design that was
23 consistent with Samsung's design philosophy, and it didn't
24 matter whether the final product was similar or not to the
25 iPhone?

1 Q. Okay. So whether or not the Galaxy S design
2 was similar to the iPhone was not important to you when
3 you designed the Galaxy S; is that correct?

4 MR. CEDERBERG: Vague, ambiguous.

5 A. We did not consider that.

6 Q. Okay.

7 CHECK INTERPRETER: "That wasn't considered."

8 BY MR. GRANT KIM:

9 Q. Okay. So I showed you a document that showed
10 the archetype design from 2009. We have some documents
11 from you and from other witnesses that show archetype
12 designs for 2010 and 2011, but as far as I can tell, they
13 seem to be planning documents, and they don't seem to be
14 the final design.

15 So I'm going to show you a couple of archetype
16 design documents from 2010 and 2011, and my basic question
17 is: Do these show the final archetype design for 2010?

18 (SG Kim Deposition Exhibit 1743 marked.)

19 BY MR. GRANT KIM:

20 Q. Okay. The first document is marked as
21 Exhibit 1743, SAMNDCA10809734 through 9875, and it
22 seems -- this was from your files. It's a collection of
23 various documents.

24 And there are some references to archetype
25 designs, for example, if you look at page 99 or 10809832,

1 (Counsel representing this witness should arrange for
2 reading and signing and thereafter distribute copies of
3 the signed Errata sheet to opposing counsel without
involvement of the court reporter.)

4 STYLE OF CASE: Certain Electronic Digital Media
5 Devices and Components Thereof
(ITC 796)

6 -and-

7 APPLE V. SAMSUNG (NDCAL)

8 DEPOSITION OF: SEOGGUEN KIM

9 TAKEN: February 29, 2012

10

E R R A T A S H E E T

Page	Line	Change	Reason
13	---	---	-----
14	---	---	-----
15	---	---	-----
16	---	---	-----
17	---	---	-----
18	---	---	-----
19	---	---	-----
20	---	---	-----
21	---	---	-----

22 I hereby certify that I have read my deposition and that
23 it is true and correct subject to any changes in form or
24 substance entered here.

25 Date _____ SEOGGUEN KIM _____

C E R T I F I C A T E

2 SEOUL)
3 SOUTH KOREA)

4 I, Michael E. Miller, Registered Diplomat
5 Reporter, Certified Realtime Reporter, do hereby certify
6 that the aforementioned witness was first duly sworn by me
7 pursuant to stipulation of counsel to testify to the
8 truth; that I was authorized to and did report said
deposition in stenotype; and that the foregoing pages are
a true and correct transcription of my shorthand notes of
said deposition.

9 I further certify that said deposition was
10 taken at the time and place hereinabove set forth and that
11 the taking of said deposition was commenced and completed
12 as hereinabove set out.

13 I further certify that I am not attorney or
14 counsel of any of the parties, nor am I a relative or
15 employee of any attorney or counsel of any party connected
16 with the action, nor am I financially interested in the
17 action.

18 The foregoing certification of this
19 transcript does not apply to any reproduction of the same
20 by any means unless under the direct control and/or
21 direction of the certifying reporter.

22 IN WITNESS WHEREOF, I have hereunto set my
23 hand this March 2, 2012.



24 MICHAEL E. MILLER
25 Certified Realtime Reporter
Registered Diplomat Reporter
Realtime Systems Administrator