

KANG DECLARATION EXHIBIT 13

Exhibit 39
(Submitted Under Seal)

1 HIGHLY CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER
2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA
4 SAN JOSE DIVISION
5 Civil Action No.: 11-CV-01846-LHK

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

8 vs.

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

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

14 In the Matter of:

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

18 *** HIGHLY CONFIDENTIAL ***
19 SUBJECT TO PROTECTIVE ORDER

20 CONTINUED VIDEOTAPED PERSONAL DEPOSITION OF:

21 SEOGGUEN KIM

22 VOLUME 2

23 Friday, March 2, 2012
24 Kim & Chang
25 Seoul, South Korea
9:03 a.m. to 11:57 a.m.

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1 MR. CEDERBERG: Jon Cederberg of Quinn,
2 Emanuel, Urquhart and Sullivan for the Samsung
3 entities.
4 COURT REPORTER: Do you solemnly swear or
5 affirm that you will well and truly interpret
6 the questions propounded by counsel and the
7 answers given by the witness from Korean to
8 English and English to Korean to the best of
9 your ability.
10 LEAD INTERPRETER: Yes, I do.
11 CHECK INTERPRETER: Yes, I do.
12 MR. GRANT KIM: I've been asked to read the
13 following statement: We understand the court
14 reporter is not authorized to administer oaths
15 in this venue; nevertheless, we request that she
16 administer the oath, and we stipulate that we
17 waive any objection to the validity of the
18 deposition based on the oaths.
19 MR. CEDERBERG: So stipulated.
20 SeogGuen KIM,
21 after having been duly sworn by the reporter, pursuant
22 to stipulation of counsel, was examined and testified
23 through the interpreter as follows:
24 THE WITNESS: I do.
25 ///

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1 agreed.
2 MR. CEDERBERG: And that is our agreement.
3 MR. GRANT KIM: And, Mr. Kim, that will make
4 your deposition shorter today, so I'm glad the
5 parties were able to reach agreement.
6 BY MR. GRANT KIM:
7 Q. So I'm showing you a document that's been
8 marked as Exhibit 2014.
9 (Exhibit 2014 was marked for
10 identification.)
11 BY MR. GRANT KIM:
12 Q. And we received this from Samsung's counsel
13 this morning at our request. And I appreciate if you
14 could -- I believe that Exhibit 2014 is just a color
15 version of Exhibit 1746.
16 But for the record, Exhibit 2014 has the
17 Bates number SAMNDCA 10806650 through 6659.
18 Can you confirm that Exhibit 2014 is simply
19 a color copy of the prior exhibit called "S Project"?
20 A. Yes, correct.
21 Q. And we discussed this before, but can you
22 turn to, I guess the second and third pages, which end
23 10806651 and 6652?
24 And you'll see there are three models shown
25 on 10806652. [REDACTED]

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EXAMINATION

1
2 BY MR. GRANT KIM:
3 Q. Good morning, Mr. Kim.
4 A. Good morning (in English).
5 Q. We previously discussed a document that was
6 marked Exhibit 1746.
7 MR. CEDERBERG: Grant, do you want to put
8 that agreement on the record first?
9 MR. GRANT KIM: Yes.
10 Before we get into the examination, just
11 mention that Apple and Samsung have reached an
12 agreement concerning procedural issues on this
13 deposition. The agreement is that the
14 deposition being taken today as well as the
15 deposition that was already taken on February
16 29th, 2012, those depositions are for both the
17 purpose of the Northern District of California
18 litigation and the ITC action that were
19 mentioned by the videographer at the beginning.
20 And we are planning to finish our
21 questioning today by noon.
22 And also the parties have agreed the time
23 will be allocated between Northern District of
24 California/ITC on a 50/50 basis with further
25 adjustments for translation time as previously

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 MR. CEDERBERG: Objection, compound, vague
10 and ambiguous.
11 A. [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 BY MR. GRANT KIM:
15 Q. [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 MR. CEDERBERG: There's no question pending.
19 BY MR. GRANT KIM:
20 Q. So I'm showing you Exhibit 1747.
21 Exhibit 1747 says "Aries" at the top.
22 [REDACTED]
23 [REDACTED]
24 MR. CEDERBERG: Vague and ambiguous, no
25 foundation as to personal knowledge.

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1 Is it correct that under those years there
2 are samples of archetypes, of Samsung's archetypes for
3 2008, 2009 and 2010?
4 MR. CEDERBERG: Vague and ambiguous,
5 compound.
6 A. It seems like that.
7 BY MR. GRANT KIM:
8 Q. I'm showing you a document that was
9 previously marked as Exhibit 1748.
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 MR. CEDERBERG: Objection, document speaks
19 for itself, misstates the record, assumes facts
20 not in evidence, calls for speculation,
21 foundation.
22 A. [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 (Exhibit 2017 was marked for
2 identification.)
3 BY MR. GRANT KIM:
4 Q. I'm showing you a document that's been
5 marked as Exhibit 2017. It has Bates numbers SAMNDCA
6 00530405 through 530490. And it says "Mobile Planview"
7 on the front.
8 Do you recognize this document?
9 A. Not really.
10 Q. Let me ask you about, several pages in it
11 says -- the page ending 00530410 is called "Style
12 Overview."
13 And here there's a circle which has
14 "minimal" in the middle. It has "organic" on the side.
15 It has pictures of different kinds of -- different
16 phones.
17 Have you seen charts in similar format
18 before?
19 MR. CEDERBERG: Vague and ambiguous.
20 A. Since our design strategy team came up with
21 this, I have seen these kind of charts.
22 BY MR. GRANT KIM:
23 Q. And what's the purpose of this kind of
24 chart?
25 MR. CEDERBERG: Foundation, speculation.

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1 [REDACTED]
2 CHECK INTERPRETER: Interjection.
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 (Exhibit 2016 was marked for
8 identification.)
9 BY MR. GRANT KIM:
10 Q. I'm showing you a document that's been
11 marked as Exhibit 2016. And it has the date December
12 16th, 2009 at the top and it's Bates numbers
13 S-ITC-009018052 through 8055. And towards the -- about
14 a third of the way down the page there's a reference to
15 flagship Aries.
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 MR. CEDERBERG: Objection, vague and
21 ambiguous, foundation, speculation.
22 A. Please give me time to look through the
23 document.
24 I cannot accurately answer your question
25 just by looking at this document.

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1 A. I believe your question could be more
2 rightly directed to the person who made this chart, but
3 if I were to answer your question, Samsung has many
4 types of end users, from young to the silver
5 generation, and I believe this chart was made to study
6 on each segment.
7 BY MR. GRANT KIM:
8 Q. So I see something called "mechanic" and
9 "futuristic" and "organic." Is it correct that those
10 are describing different kinds of design styles that
11 may appeal to different kinds of consumers?
12 MR. CEDERBERG: Objection, vague and
13 ambiguous, speculation, foundation.
14 A. So when we prepare our designs, we prepare
15 our designs in different types of categories and
16 different keywords.
17 BY MR. GRANT KIM:
18 Q. And if you look at this diagram is it
19 correct that it is putting different smartphones into
20 different categories based on the keyword?
21 MR. CEDERBERG: Objection, compound, vague
22 and ambiguous, speculation, foundation.
23 A. For more accurate -- if you wanted to get
24 more accurate information you should ask that to the
25 person who made this report, but I think that's true.

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1 BY MR. GRANT KIM:
2 Q. What is your understanding of the meaning of
3 "organic"?
4 MR. CEDERBERG: Vague and ambiguous. And
5 speculation, foundation. Because I assume your
6 question is related to what it means in this
7 document, not his personal understanding at any
8 given time.
9 A. I can only give you my personal ideas. So
10 if you want the accurate information, you should ask
11 the person who prepared this report.
12 MR. GRANT KIM: Counsel, I object to the
13 speaking objection. If you want to object, just
14 keep it short.
15 BY MR. GRANT KIM:
16 Q. But in any event, you testified that you
17 have seen this kind of format and you also have
18 testified that you're an experienced designer.
19 What is your understanding of the meaning of
20 "organic" as generally used by Samsung designers?
21 MR. CEDERBERG: Vague and ambiguous,
22 speculation, foundation.
23 A. So as I told you before, I am a manager. I
24 manage the design of a product exterior so I just give
25 them the direction of whether it is right or wrong.

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1 I think the keyword such as "mechanic," "futuristic,"
2 "romantic," "casual" are not all different. I believe
3 minimal is the keyword that's at the center, and the
4 other, I believe for each segment these features are
5 expressed differently. That's how I interpret it.
6 BY MR. GRANT KIM:
7 Q. Okay. So, for example, if we take the
8 futuristic segment, there are different kinds of
9 futuristic models. And the ones that are closer to the
10 center are more minimal futuristic and the ones that
11 are farther away are more expressive futuristic. Is
12 that correct?
13 MR. CEDERBERG: Compound, vague and
14 ambiguous, speculation, foundation, document
15 speaks for itself.
16 A. Well, the opinions that I just laid are my
17 personal opinions. And if you want a more accurate
18 interpretation of this chart you should ask the person
19 who prepared this.
20 BY MR. GRANT KIM:
21 Q. Okay. All I'm asking is for your
22 understanding based on a person responsible for Samsung
23 mobile phone design who has reviewed similar charts.
24 Can you turn to page ending 00530428, which
25 says, "Style Analysis: Samsung" at the top?

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1 And the meaning of keyword is different
2 according to the times. And I believe my subordinates
3 can more -- are in a better position to interpret the
4 meaning of those keywords.
5 BY MR. GRANT KIM:
6 Q. What's your understanding of the meaning of
7 "organic"?
8 MR. CEDERBERG: Same objections as to the
9 last question.
10 A. Well, if you were to insist on hearing my
11 personal opinions, the word "organic" comes to me as
12 pebble. It's a round shape and it's soft and it has a
13 good, great feeling.
14 BY MR. GRANT KIM:
15 Q. In the center there's a circle that says
16 "minimal" and then there's a straight line going up
17 that says "expressive."
18 Is it correct that the products that are
19 closer to the center are more minimal and the products
20 that are farther away from the center are more
21 expressive?
22 MR. CEDERBERG: Vague and ambiguous,
23 speculation, foundation, document speaks for
24 itself.
25 A. Well, if I were to interpret it personally,

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1 I see various models like Star, Jet, Shark,
2 Monte, M-O-N-T-E, and Corby. Is it correct that those
3 are Samsung models?
4 MR. CEDERBERG: Vague and ambiguous, vague
5 as to time.
6 A. Yes, correct.
7 BY MR. GRANT KIM:
8 Q. And on this chart it shows those models in
9 mechanic, futuristic and casual sectors; is that
10 correct?
11 MR. CEDERBERG: Misstates the record,
12 misstates the testimony, vague and ambiguous.
13 Document speaks for itself.
14 A. This is what this chart says.
15 BY MR. GRANT KIM:
16 Q. Could you turn to the page ending 00530413.
17 MR. CEDERBERG: 413?
18 MR. GRANT KIM: 413.
19 At the top it says, "Style Overview, Style
20 Insight: '09 versus '10-11 Samsung style."
21 BY MR. GRANT KIM:
22 Q. Is it correct, Mr. Kim, that if you look
23 under Samsung '09 the chart shows that most Samsung
24 products are the mechanic, futuristic and casual
25 sectors?

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1 MR. CEDERBERG: Objection, vague and
2 ambiguous, speculation, foundation, document
3 speaks for itself.
4 A. It seems this is what this chart says.
5 BY MR. GRANT KIM:
6 Q. And if you look to the right side where it
7 says "Samsung 10-11 Roadmap," is it correct that
8 from -- it shows an arrow from the center where
9 there's -- going out into the section called "Organic"?
10 MR. CEDERBERG: Vague and ambiguous,
11 document speaks for itself.
12 A. Yeah, I see the arrow from the center to
13 organic.
14 MR. GRANT KIM: Okay. I don't think you
15 translated the first part of his answer.
16 A. Oh, I see the arrow that comes from
17 futuristic to the middle. Oh, I also see the arrow
18 that goes out from the minimal to the organic.
19 BY MR. GRANT KIM:
20 Q. Right. The futuristic arrow is easy to see.
21 The other one is a little hard to see because this is
22 black and white.
23 Do you see below that it says -- it refers
24 to minimal organic style?
25 A. Yes, I see it.

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1 Did you get all that on the tape?
2 VIDEOGRAPHER: Yeah, I got it on the tape.
3 MR. GRANT KIM: You got it on the tape.
4 VIDEOGRAPHER: Yeah.
5 MR. GRANT KIM: The tape was just ending
6 so...
7 VIDEOGRAPHER: Going off the record at
8 10:23.
9 (A recess was taken.)
10 VIDEOGRAPHER: Back on the record at 10:39.
11 (Exhibit 2018 was marked for
12 identification.)
13 (Exhibit 2019 was marked for
14 identification.)
15 BY MR. GRANT KIM:
16 Q. Mr. Kim, I'm showing you two documents that
17 have been marked as Exhibits 2018 and 2019. These
18 should be color copies of documents that were produced,
19 marked previously as Exhibits 1742 and 1743.
20 And counsel produced the color versions that
21 were requested. I just wanted to confirm that those
22 are color versions of the prior exhibits.
23 And for the record I'll note that Exhibit
24 2018 is SAMNDCA 10808682 through 10808758.
25 And the other exhibit, 2019, is Bates number

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1 Q. Did Samsung have a plan to make products in
2 the minimal organic style?
3 MR. CEDERBERG: Objection, compound, vague
4 and ambiguous, speculation, no foundation.
5 A. I'm not so sure.
6 BY MR. GRANT KIM:
7 Q. You don't have any recollection on that
8 issue?
9 MR. CEDERBERG: Same objections as to the
10 previous question.
11 A. No.
12 BY MR. GRANT KIM:
13 Q. But that's what this chart page shows,
14 right?
15 MR. CEDERBERG: Objection, argumentative,
16 document speaks for itself. Compound, vague and
17 ambiguous.
18 A. It seems in order to design the product to
19 fit the segmentation, we have to design our product to
20 suit this style. I don't believe this is the
21 mainstream, though. As you know, Samsung has different
22 types of end users, and from the design perspective
23 this chart seems to show that we have to prepare a
24 number of designs.
25 MR. GRANT KIM: Okay, let's end.

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1 SAMNDCA 10809734 through 10809875.
2 MR. CEDERBERG: And I've made a comparison
3 of the Bates numbers and I will -- in the
4 interest of time I will stipulate that they
5 appear to be the same documents, 1742 and 2018,
6 except that 2018 is in color and is a version
7 that is organized a little different with the
8 larger print.
9 But if we see anything inconsistent we'll
10 let you know. But for purposes of your
11 examination, why don't we just assume that
12 they're the same so you don't have to have the
13 witness go through all the pages.
14 MR. GRANT KIM: Thank you, Counsel.
15 And I have another exhibit, which is Exhibit
16 2020, and I believe it should correspond to
17 Exhibit 1744.
18 (Exhibit 2020 was marked for
19 identification.)
20 BY MR. GRANT KIM:
21 Q. And it's the same question, if they're
22 simply a color version of the black and white.
23 And Exhibit 2020 has Bates numbers SAMNDCA
24 10807316 through 10807387.
25 MR. CEDERBERG: The third one, 2020, that's

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

5 STYLE OF CASE: APPLE V SAMSUNG
6 and CERTAIN ELECTRONIC DIGITAL MEDIA
7 DEVICES AND COMPONENTS THEREOF
8 DEPOSITION OF: SeogGuen KIM
9 DATE TAKEN: Friday, March 2, 2012

E R R A T A S H E E T

10 LINE CHANGE REASON

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

Date SeogGuen KIM

C E R T I F I C A T E

1
2 (Seoul)
3 (South Korea)

4 I, Tracey S. LoCastro, Registered
5 Professional Reporter, do hereby certify
6 that the aforementioned witness was first duly sworn
7 as noted by stipulation of counsel to testify the
8 whole truth; that I was authorized to and did report
9 said deposition in stenotype; and that the foregoing
10 pages are a true and correct transcription of my
11 shorthand notes of said deposition.

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

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

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

25 IN WITNESS WHEREOF, I have hereunto
set my hand this 3rd day of March, 2012.

TRACEY S. LOCASTRO,
Registered Professional Reporter

25