

# EXHIBIT 1

# **EXHIBIT 1**

**FILED UNDER SEAL**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

APPLE INC., a California corporation,  
  
Plaintiff,  
  
vs.  
  
SAMSUNG ELECTRONICS CO., LTD,  
a Korean business entity;  
SAMSUNG ELECTRONICS AMERICA,  
INC., a New York corporation;  
SAMSUNG TELECOMMUNICATIONS  
AMERICA, LLC, a Delaware  
limited liability company  
  
Defendants.

No: 11-CV-01846-LHK

\*\*HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY\*\*

DEPOSITION OF QUIN HOELLWARTH  
Redwood Shores, California  
Tuesday, October 25, 2011

Reported By:  
LINDA VACCAREZZA, RPR, CLR, CRP, CSR. NO. 10201  
JOB NO. 42859

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Tuesday, October 25, 2011  
9:32 a.m.

Videotaped deposition of QUIN  
HOELLWARTH, held at Quinn Emanuel  
Urquhart & Sullivan, LLP, 555 Twin  
Dolphin Drive, Redwood Shores,  
California, pursuant to  
Subpoena before Linda Vaccarezza, a  
Certified Shorthand Reporter of the  
State of California.

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A P P E A R A N C E S:

QUINN EMANUEL URQUHART & SULLIVAN  
Attorneys for Defendants  
865 South Figueroa Street  
Los Angeles, California 90017  
BY: MICHAEL T. ZELLER, ESQ.  
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MORRISON & FOERSTER  
Attorneys for Plaintiff  
755 Page Mill Road  
Palo Alto, California 94304  
BY: ERIK J. OLSON, ESQ.  
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also present: Wendy Anna Herby,  
Apple in-house Counsel

Videographer: Jason Kocol

1           THE VIDEOGRAPHER: This is the  
2           start of tape labeled Number 1 of the  
3           videotaped deposition of Quin Hoellwarth  
4           in the matter Apple Incorporated versus  
5           Samsung Electronics Company, Limited, in  
6           the United States District Court,  
7           Northern District of California, San Jose  
8           division. Case number 11-CV-01846-LHK.  
9           This deposition is being held at 555 Twin  
10          Dolphin Drive, Redwood Shores,  
11          California, on October 25th, 2011. It is  
12          approximately 9:32 a.m.

13                    My name is Jason Kocol and I'm  
14           a legal video specialist from TSG  
15           Reporting, Incorporated, headquartered at  
16           747 Third Avenue, New York, New York.  
17           The court reporter is Linda Vaccarezza in  
18           association with TSG Reporting.

19                    Will counsel please introduce  
20           yourselves for the record.

21                    MR. ZELLER: Mike Zeller for  
22           Samsung.

23                    MS. NEILL: Anna Neill for Samsung.

24                    MR. OLSON: Erik Olson of Morrison  
25           & Foerster on behalf of Apple and the

1 witness.

2 THE VIDEOGRAPHER: Will the court  
3 reporter please swear in the witness.

4 QUIN HOELLWARTH,  
5 having been duly  
6 sworn, by the Certified Shorthand  
7 Reporter, was examined and testified as  
8 follows:

9 EXAMINATION

10 BY MR. ZELLER:

11 Q. Good morning.

12 A. Good morning.

13 Q. Please tell us and spell your full  
14 name for the record.

15 A. Quin Hoellwarth. Q-U-I-N, C as a  
16 middle initial, Hoellwarth, H-O-E-L-L-W-A-R-T-H.

17 Q. Have you ever been known as or  
18 gone by any other name?

19 A. I have not.

20 Q. And are you currently employed?

21 A. I am.

22 Q. By whom?

23 A. Apple.

24 Q. How long have you worked for  
25 Apple?

1 12:13 p.m.)

2 THE VIDEOGRAPHER: The time is

3 12:13 p.m. We are on the record.

4 BY MR. ZELLER:

5 Q. You've an opportunity to review  
6 the 889 design patent?

7 A. I have.

8 Q. Do you recognize this as an issued  
9 patent that you worked on the application for?

10 A. Yes.

11 Q. And you did this back when you  
12 were with Beyer Weaver & Thomas?

13 A. Yes.

14 Q. Was your involvement complete  
15 prior to the time that you went and began working  
16 as an Apple employee or did your work on this  
17 design patent application continue on?

18 MR. OLSON: Did he work on, you  
19 mean the prosecution?

20 MR. ZELLER: Yes.

21 THE WITNESS: I started at Apple  
22 in 2007. This issued in 2005.

23 Q. So the answer is that it was  
24 completed before you left?

25 A. Yes.







1 out the facts from you. What I can say is is  
2 that, that these -- and I'm talking about exactly  
3 in this form is how it was produced by an Apple  
4 prosecuting firm, the Stern firm, as I understand  
5 it. That's my best understanding.

6 A. This is from the file wrapper.

7 Q. I believe that there are photos  
8 that are in the file wrapper that I'm going to  
9 ask you about next that I believe correspond to  
10 these. But again, I'm just an outside lawyer.  
11 I'm trying to see how these things are related.  
12 And that's my -- that's the point of my  
13 questioning. So it's a little hard for me to  
14 make representations to you about any of this  
15 because that's part of what I'm trying to find  
16 out.

17 MR. OLSON: Did we provide source  
18 information for these?

19 MR. ZELLER: I don't think so. My  
20 last understanding -- we have asked for  
21 the native files of these, these images.

22 MR. OLSON: And I'm happy to  
23 address that as well, but go ahead.

24 MR. ZELLER: And any original  
25 photographs so that we would have clear





1 Q. You'll see that this is a  
2 cornucopia of you?

3 A. Yes.

[REDACTED]

24 Q. Do you know where the photographs  
25 are?

1 mock-up?

2 A. Just to verify, point to what  
3 you're talking about.

4 Q. You'll see that there's an area  
5 here between the glass surface and then what  
6 sometimes people call the bezel, there's an  
7 actual physical gap or groove that runs all  
8 around the perimeter of the front of the device.

9 A. It does feel that way.

10 Q. And as you can tell from looking  
11 at the mock-up and also can tell from this  
12 photograph at 842, underneath that opening, that  
13 gap or groove, there are a series of holes?

14 A. Are you referring to these holes?

15 Q. Yes.

16 A. Much easier to see in the  
17 picture.

18 Q. And you do see, even though it's a  
19 little tougher to actually see it in the physical  
20 mock-up, but you do see that underneath the gap  
21 or that groove that runs around the front surface  
22 of the mock-up that there's a series of holes?

23 A. Does -- I can't tell that they are  
24 holes from what I'm looking at, but there's a  
25 series of something, a feature.

1 Q. Is there some word you would use  
2 to describe what those are, if you can't tell  
3 that they are holes?

4 A. I mean, I would call them a  
5 feature. With regards to the device, the picture  
6 it seems -- it appears more like a hole, series  
7 of holes.

8 Q. Now, in the course of working on  
9 the '889 design patent prosecution, did it come  
10 to your attention that the design had vents that  
11 ran around the perimeter of the front of the  
12 device?

13 A. I don't recall.

14 Q. Directing your attention to  
15 Exhibit 841, and specifically --

16 MR. OLSON: Let him find 841.

17 MR. ZELLER: 841.

18 THE WITNESS: This one.

19 BY MR. ZELLER:

20 Q. Right.

21 A. Okay.

22 Q. Directing your attention to  
23 Exhibit 841 and specifically page APLPROS  
24 0000018791.

25 A. This one?



1 Exhibit 841?

2 A. Exhibit 842? You're saying these  
3 photos that you took which represents this, are  
4 you saying is what was in the case?

5 Q. Let me break it down further. Is  
6 the physical mock-up that your counsel brought  
7 the physical mock-up that's depicted in  
8 Exhibit 841?

9 A. I don't know.

10 Q. Who would know?

11 A. I don't know. I don't know that  
12 there's a person. It may have been Cal Seid.

13 Q. Directing your attention to  
14 Exhibit 841, specifically page APLPROS 000001879.

15 A. Yes.

16 Q. This is a photograph that was  
17 submitted to the patent office by Apple in  
18 connection with the '889 design patent  
19 prosecution, correct?

20 MR. OLSON: I don't think you're  
21 on the same page.

22 THE WITNESS: This one?

23 MR. ZELLER: Yes.

24 MR. OLSON: You have a different  
25 number down.

1 THE VIDEOGRAPHER: This marks the  
2 end of the addendum to Tape Number 5 of  
3 today's deposition of Quin Hoellwarth,  
4 and concludes today's deposition.

5 The time is 8:47 p.m. We are  
6 off the record.

7

8 (Time noted: 8:47 p.m.)

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QUIN HOELLWARTH

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16

17 Subscribed and sworn to before me

18 This day of , 2011.

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1 C E R T I F I C A T E

2 STATE OF CALIFORNIA )

3 )

4 COUNTY OF SAN FRANCISCO )

5 I, LINDA VACCAREZZA, a Certified  
6 California, do hereby certify:Shorthand  
7 Reporter for the State of

8 That QUIN HOELLWARTH, the witness  
9 whose deposition is hereinbefore set  
10 forth, was duly sworn by me and that such  
11 deposition is a true record of the  
12 testimony given by such witness.

13 I further certify that I am not  
14 related to any of the parties to this  
15 action by blood or marriage; and that I  
16 am in no way interested in the outcome of  
17 this matter.

18 IN WITNESS WHEREOF, I have hereunto  
19 set my hand this 26th day of October, 2011.

20

21

22

23 \_\_\_\_\_  
LINDA VACCAREZZA, CSR. NO. 10201

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