# EXHIBIT 1

# **EXHIBIT 1**

# FILED UNDER SEAL

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Page 1
 1
                 UNITED STATES DISTRICT COURT
 2
                NORTHERN DISTRICT OF CALIFORNIA
 3
                        SAN JOSE DIVISION
     APPLE INC., a California
 4
     corporation,
 5
                      Plaintiff,
 6
                                         No: 11-CV-01846-LHK
             vs.
 7
     SAMSUNG ELECTRONICS CO., LTD,
     a Korean business entity;
 8
     SAMSUNG ELECTRONICS AMERICA,
     INC., a New York corporation;
     SAMSUNG TELECOMMUNICATIONS
10
     AMERICA, LLC, a Delaware
     limited liability company
11
                      Defendants.
12
13
14
        **HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY**
15
16
                DEPOSITION OF QUIN HOELLWARTH
                  Redwood Shores, California
17
18
                   Tuesday, October 25, 2011
19
20
21
22
23
    Reported By:
     LINDA VACCAREZZA, RPR, CLR, CRP, CSR. NO. 10201
24
25
     JOB NO. 42859
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3		
4	Tuesday, October 25, 2011	
5	9:32 a.m.	
6		
7		
8	Videotaped deposition of QUIN	
9	HOELLWARTH, held at Quinn Emanuel	
10	Urquhart & Sullivan, LLP, 555 Twin	
11	Dolphin Drive, Redwood Shores,	
12	California, pursuant to	
13	Subpoena before Linda Vaccarezza, a	
14	Certified Shorthand Reporter of the	
15	State of California.	
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			Page 3
1	APPE	ARANCES:	
2	QU	INN EMANUEL URQUHART & SULLIVAN	
3	At	torneys for Defendants	
4		865 South Figueroa Street	
5		Los Angeles, California 90017	
6	ВУ	: MICHAEL T. ZELLER, ESQ.	
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15	ВУ	ERIK J. OLSON, ESQ.	
16		ejolson@mofo.com	
17			
18			
19			
20	<del>-</del>	endy Anna Herby, pple in-house Counsel	
21	Ą	ppie in nouse counsei	
22			
23			
24			
25	Videographer: J	ason 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.
- MS. NEILL: Anna Neill for Samsung.
- 24 MR. OLSON: Erik Olson of Morrison
- 25 & Foerster on behalf of Apple and the

Page 5 1 witness. 2 THE VIDEOGRAPHER: Will the court 3 reporter please swear in the witness. 4 QUIN HOELLWARTH, 5 having been duly sworn, by the Certified Shorthand 7 Reporter, was examined and testified as 8 follows: 9 EXAMINATION BY MR. ZELLER: 10 11 Ο. Good morning. 12 A. Good morning. 13 Please tell us and spell your full Ο. 14 name for the record. 15 Quin Hoellwarth. Q-U-I-N, C as a middle initial, Hoellwarth, H-O-E-L-L-W-A-R-T-H. 16 17 Have you ever been known as or 18 gone by any other name? 19 I have not. Α. 20 Q. And are you currently employed? 21 Α. I am. 22 Q. By whom? 23 Α. Apple. 24 Q. How long have you worked for 25 Apple?

HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY Page 102 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 Ο. You've an opportunity to review the 889 design patent? 6 7 Α. I have. 8 Ο. Do you recognize this as an issued 9 patent that you worked on the application for? 10 Α. Yes. 11 And you did this back when you 12 were with Beyer Weaver & Thomas? 13 Α. Yes. Was your involvement complete 14 Q. 15 prior to the time that you went and began working as an Apple employee or did your work on this 16 design patent application continue on? 17 18 MR. OLSON: Did he work on, you 19 mean the prosecution? 20 MR. ZELLER: Yes. 21 THE WITNESS: I started at Apple in 2007. This issued in 2005. 22 So the answer is that it was 23 Ο.

25 A. Yes.

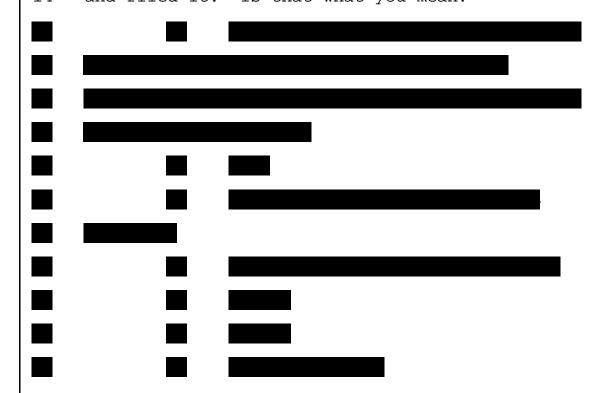
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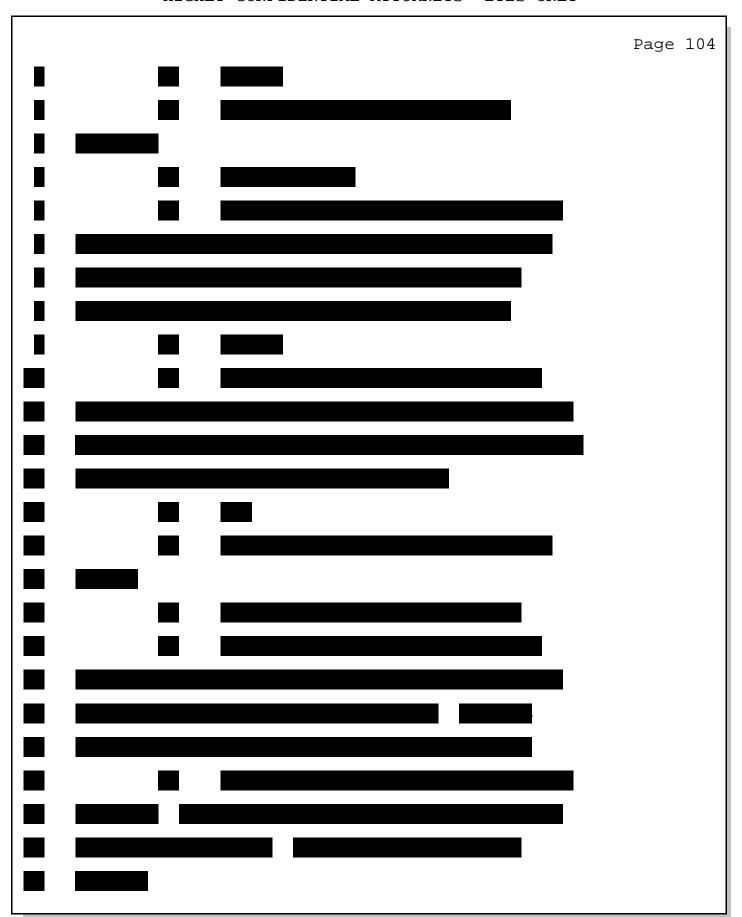
completed before you left?

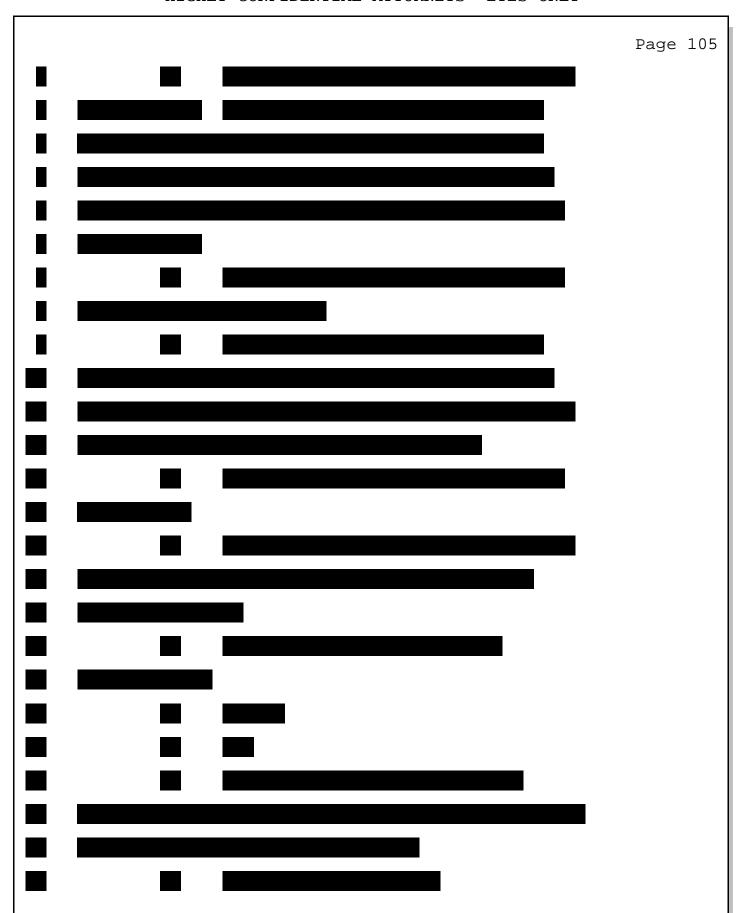
HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY Page 103 1 Q. Before you left Beyer Weaver & 2 Thomas? 3 Α. Yes. 4 And generally speaking, what did Ο. you do in connection with the application that 5 resulted in the 889 design patent? 6 7 Α. What do you mean, generally do? 8 Can you be more specific? 9 Well, please tell me what the Ο. 10

nature of your tasks and responsibilities were in connection with the 889 design patent in the prosecution?

13 A. I prepared the patent application 14 and filed it. Is that what you mean?







- 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
- 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.
- MR. OLSON: And I'm happy to
- address that as well, but go ahead.
- MR. ZELLER: And any original
- 25 photographs so that we would have clear

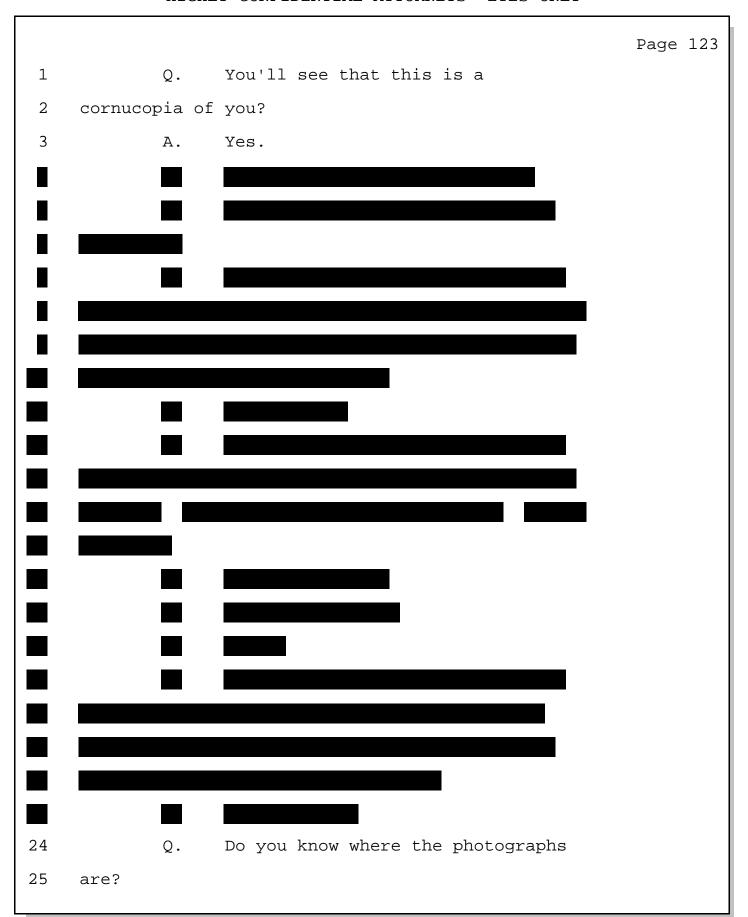
Page 121 1 images of it and the like. But, you 2 know, the information we have is pretty 3 limited. It was, as I understand it, produced by Stern, which I believe took 4 5 over the prosecution, but -- and that's probably why it's in possession of them. 6 7 But it doesn't -- we don't know what the 8 ultimate source of this was. 9 It was presumably transferred 10 from Beyer Weaver & Thomas at some point 11 would be my assumption, but again, that's 12 part of what I'm trying to find out. So maybe if we step back for a minute and 13 14 try some kind of foundational things and 15 see if this helps --16 Α. Okay. 17 -- jog your memory on any of And let's first focus on the '889 design 18 this. 19 patent for a moment. 20 Yes.

- Q. And if you could direct your
- 3 attention to the page of Exhibit 841 that bears
- 4 Bates number APLPROS 0000018789.
- 5 A. 18789?
- 6 Q. Yes. And you'll see this is a
- 7 photograph of an individual. Is this you?
- 8 A. Yes.
- 9 Q. And this photograph shows you
- 10 holding a three-dimensional tablet mock-up?
- 11 A. Yes.

Q. Directing your attention to the

24 last page of Exhibit 841.

A. (Witness complies.)



- 1 mock-up?
- 2 A. Just to verify, point to what
- 3 you're talking about.
- 4 O. 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 O. 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
- 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.
- Q. Directing your attention to
- 15 Exhibit 841, and specifically --
- MR. OLSON: Let him find 841.
- 17 MR. ZELLER: 841.
- 18 THE WITNESS: This one.
- 19 BY MR. ZELLER:
- Q. Right.
- 21 A. Okay.
- Q. Directing your attention to
- 23 Exhibit 841 and specifically page APLPROS
- 24 0000018791.
- 25 A. This one?

- 1 Q. Yes. Now, you'll see that this
- 2 depicts a closer end view of the corner of the
- 3 mock-up that you had, right?
- 4 A. Okay.
- \_ \_\_\_
- 9 Q. You'll see from this perspective
- 10 that running around the perimeter of the front of
- 11 the device that's shown that there is that
- 12 thicker black line. Do you see that?
- 13 A. I see a thicker black line.
- Q. And that corresponds to the groove
- or the gap in the mock-up that you have, correct?
- 16 MR. OLSON: Objection. Lack of
- 17 foundation.
- 18 THE WITNESS: I don't know what
- 19 that is.
- Q. Is the physical mock-up that you
- 21 have in front of you --
- 22 A. Yes.
- 23 Q. -- that your counsel brought and
- 24 photographs of which we have marked as Exhibit
- 25 842 and 843 the mock-up that is depicted here in

- 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 O. 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?
- MR. OLSON: I don't think you're
- on the same page.
- THE WITNESS: This one?
- MR. ZELLER: Yes.
- MR. OLSON: You have a different
- 25 number down.

		Page 350
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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11		
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13		
14	QUIN HOELLWARTH	
15		
16		
17	Subscribed and sworn to before me	
18	This day of , 2011.	
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25		

		Page 351
1	CERTIFICATE	
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	<del></del>	
23	LINDA VACCAREZZA, CSR. NO. 10201	
24		
25		