EXHIBIT 9
FILED UNDER SEAL

Page 1

1   UNITED STATES DISTRICT COURT
2   NORTHERN DISTRICT OF CALIFORNIA
3   SAN JOSE DIVISION
4

5   APPLE INC., a California
    corporation,
6

              Plaintiff,
7

    vs.   CASE NO. 11-cv-01846-LHK
8

    SAMSUNG ELECTRONICS CO.,
9   LTD., a Korean business
    entity; SAMSUNG ELECTRONICS
10 AMERICA,INC., a New York
    corporation; SAMSUNG
11 TELECOMMUNICATIONS AMERICA,
    LLC, a Delaware limited
12 liability company,
13   Defendants.
    _____/
14
15
16   H I G H L Y   C O N F I D E N T I A L
17   A T T O R N E Y S' E Y E S   O N L Y
18
19   VIDEOTAPED DEPOSITION OF JEFFREY JOHNSON, Ph.D.
20   REDWOOD SHORES, CALIFORNIA
21   THURSDAY, April 26, 2012
22
23   BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CCRR, CLR
24   CSR LICENSE NO. 9830
25   JOB NO. 49051

1	MR. TUNG: Mark Tung from Quinn Emanuel for	09:16
2	Samsung, and with me is Aileen Kim.	09:16
3		
4	JEFFREY JOHNSON,	
5	having been sworn as a witness	
6	by the Certified Shorthand Reporter,	
7	testified as follows:	
8		
9	EXAMINATION BY MR. AHN	09:17
10	MR. AHN: Good morning, Dr. Johnson.	09:17
11	THE WITNESS: Good morning.	09:17
12	MR. AHN: We've already met off the record,	09:17
13	but I just want to introduce myself again. My name is	09:17
14	Matthew Ahn. I'm an attorney for Morrison & Foerster,	09:17
15	representing Apple in this action. I'm just going to	09:17
16	ask you a few questions -- actually, probably more	09:17
17	than a few questions -- about the expert report that	09:17
18	you submitted for this case.	09:17
19	Q I believe you were previously deposed in this	09:17
20	action approximately eight months ago; is that right?	09:17
21	A In October.	09:17
22	Q In October. About six months ago?	09:17
23	A Uh-huh.	09:17
24	Q Okay. So the same basic rules are going to	09:17
25	apply. I'm going to ask you some questions. Your	09:17

1   MR. AHN: Q. Did you discuss the contacts   10:33

2 application for any specific device or just in   10:33

3 general?   10:33

4   A   Just in general.   10:33

5   Q   Did you think it was necessary to discuss it   10:33

6 in the context of specific devices?   10:33

7   MR. TUNG: Objection; vague.   10:34

8   THE WITNESS: There were some questions about   10:34

9 what versions of the Android software corresponded to 10:34

10 what behaviors.   10:34

11   MR. AHN: Q. Can you expand on that.   10:34

12   MR. TUNG: Objection; vague.   10:34

13   THE WITNESS: Well, first of all, Mr. Kho   10:34

14 implemented the list functionality. He was not the   10:34

15 implementer of the contacts application. The contacts 10:34

16 application is built on the list control. And so he   10:34

17 was the implementer of the list control that the   10:34

18 contact application uses.   10:34

19   So he -- he could answer questions about how   10:35

20 the list functionality behaves but not about how --   10:35

21 there were -- there were specific questions about the 10:35

22 contact application itself that he was not able to   10:35

23 answer.   10:35

24   MR. AHN: Q. What types of questions were   10:35

25 you asking him about the contacts application itself? 10:35

1   MR. TUNG: Objection; vague.   10:35

2   THE WITNESS: I was -- I was asking him   10:35

3 functions about -- questions about the list   10:35

4 functionality because that's what he implemented, and 10:35

5 we were asking questions about the behavior of the 10:35

6 lists under certain -- you know, which -- which --   10:35

7 which versions of the software the list functionality 10:35

8 did exhibit certain behaviors.   10:35

9   MR. AHN: Q. What were the specific issues   10:36

10 that you wanted to discuss with Mr. Kho? Was it just 10:36

11 the general operation of the contacts list, or were 10:36

12 there any specific cases or examples that you wanted 10:36

13 to discuss with him?   10:36

14   MR. TUNG: Objection; vague.   10:36

15   THE WITNESS: It was the general behavior,   10:36

16 the overall behavior of the list control that's used 10:36

17 in the contacts application.   10:36

18   There were also questions about the --   10:36

19 certain features, such as, for example, the -- the 10:36

20 blue glow and how that -- how that worked, and how the 10:36

21 implementation -- how -- how the implementation -- how 10:37

22 the implementation went or how -- how -- what -- what 10:37

23 it took in order to implement the blue glow, for 10:37

24 example.   10:37

25   MR. AHN: Q. What is blue glow?   10:37

1   A   Blue glow is a means of showing the -- the   10:37

2   user that they've reached the end of the document   10:37

3   that's an alternative to revealing the area beyond the 10:37

4   end of the document and then bouncing back. So the   10:37

5   blue glow is a -- is a blueish-shaded glow that   10:37

6   appears at the edge of the document that the user has   10:37

7   reached.   10:37

8   Q   In your opinion, that's an alternative to   10:38

9   what I'm going to refer to as the '381's functionality 10:38

10   of showing an area beyond the edge and then snapping   10:38

11   back?   10:38

12   A   Yes.   10:38

13   Q   Do you think it's a good alternative?   10:38

14   MR. TUNG: Objection; vague.   10:38

15   THE WITNESS: I think that it's -- I -- I   10:38

16   think that it's -- it's a workable alternative. I --   10:38

17   and with my user interface designer hat on, it's --   10:38

18   it's probably not as intuitive as the -- the bounce,   10:38

19   but it's certainly better than some other   10:38

20   alternatives.   10:38

21   MR. AHN: Q. Why is it not as intuitive as   10:38

22   the bounce?   10:38

23   MR. TUNG: Objection; vague.   10:38

24   THE WITNESS: Well, because the user would   10:38

25   have to learn what the blue glow means.   10:38

1   MR. AHN: Dr. Balakrishnan referred to some   10:39

2 user commentary that he had seen on the Internet   10:39

3 regarding the blue glow functionality, and I believe   10:39

4 he stated that many users were frustrated by it and   10:39

5 felt that it wasn't as good as the bounce or the snap   10:39

6 back functionality.   10:39

7   Q   Do you agree with Dr. Balakrishnan?   10:39

8   A   Well, I haven't seen -- I didn't -- I -- I --   10:39

9 I guess I don't dis -- agree or disagree with his --   10:39

10 his conclusion because I haven't seen that Internet --   10:39

11 those Internet discussions. I'm not aware of Internet   10:39

12 discussions about the -- the device.   10:39

13   Q   For the blue glow, you had mentioned that you   10:39

14 had discussed with Mr. Kho the implementation of that   10:39

15 feature; is that correct?   10:40

16   A   Yes.   10:40

17   Q   Can you tell me what he told you in that   10:40

18 regard. Did he discuss just how it's implemented or   10:40

19 how long it took him to develop that functionality?   10:40

20   A   He did discuss those things.   10:40

21   Q   Okay. Let's take them in order.   10:40

22   Can you tell me about how it's implemented   10:40

23 inside of the contacts application.   10:40

24   A   What he said was that the -- that it   10:40

25 wasn't -- once they decided on what it -- what the   10:40

1   behavior should -- sorry. Let me start over.   10:40

2   Once they decided what the behavior should   10:40

3   be -- that is, the blue glow -- implementing it was   10:40

4   not that difficult because what they decided to do was 10:40

5   to have the blue glow extend out from the edge the   10:40

6   same distance that the document would have pulled away 10:41

7   from the edge. And so although that calculation is a   10:41

8   complex calculation, they didn't have to redo that   10:41

9   calculation because it was already done.   10:41

10   Q   Why is that a complex calculation?   10:41

11   MR. TUNG: Objection; vague.   10:41

12   THE WITNESS: I don't actually know why it's   10:41

13   a complex calculation, but he said that it was a   10:41

14   complex calculation. He -- apparently, there's some   10:41

15   function that's related to the distance that the user   10:41

16   has pulled his finger across the -- across the screen. 10:41

17   And in order to -- the document doesn't -- doesn't   10:41

18   follow necessarily the finger that -- that full --   10:42

19   that full distance.   10:42

20   And so -- and so the blue glow -- similarly,   10:42

21   the amount that it -- that it extends out from the   10:42

22   edge of the document is based on this complex   10:42

23   function, but he didn't explain to me what the complex 10:42

24   function is.   10:42

25   MR. AHN: Q. When you see the blue glow   10:42

1   itself, is that something that's overlaid on top of   10:42

2   the image?   10:42

3   MR. TUNG: Objection; vague.   10:42

4   THE WITNESS: Yes.   10:42

5   MR. AHN: Q. How do you know that?   10:42

6   A   Because I saw it.   10:42

7   Q   So it's not something that's, for lack of a   10:42

8   better way of describing it, becoming part of the   10:42

9   image, but it's just some type of layer that's over   10:42

10   the image?   10:42

11   MR. TUNG: Objection; vague.   10:42

12   THE WITNESS: Again, all I know is that the   10:42

13   blue glow appears in the image. I don't know whether   10:43

14   it's implemented with layers because I didn't discuss   10:43

15   that with Mr. Kho.   10:43

16   MR. AHN: Q. Have you ever seen any source   10:43

17   code for the blue glow functionality?   10:43

18   A   No.   10:43

19   Q   You mentioned that the blue glow itself   10:43

20   appears from the edge of the photograph; is that   10:43

21   right? Strike that.   10:43

22   You mentioned that the blue glow itself would   10:43

23   appear from the edge of, for example, the contacts   10:43

24   list inside the contacts application; is that right?   10:43

25   MR. TUNG: Objection; mischaracterizes   10:43

1   testimony.   10:43

2   THE WITNESS: It would -- it would -- it   10:43

3   would appear from either the top or the bottom of the   10:43

4   list, depending on which -- if you reached the top, it   10:43

5   would appear from the top edge. If you reached the   10:43

6   bottom, it would appear from the bottom edge.   10:44

7   MR. AHN: Q. When you see the blue glow, are   10:44

8   you seeing something that's beyond the edge of the   10:44

9   contacts list?   10:44

10   A   No.   10:44

11   Q   What are you looking at, then?   10:44

12   A   You're looking at the edge of the document or   10:44

13   the edge of the contact list in this case, and you're   10:44

14   looking at a blue glow that is superimposed over   10:44

15   the -- the document edge.   10:44

16   Q   You mentioned that Mr. Kho stated that it was   10:44

17   not that difficult to implement the blue glow   10:44

18   functionality.   10:44

19   Did he give you a time frame for how long it   10:44

20   took them to design that functionality?   10:44

21   A   No, he did not give me a time frame.   10:44

22   What he said was that deciding -- given the   10:44

23   fact that there was a team of people working together   10:45

24   on -- on this, deciding what the behavior should be is   10:45

25   what took time. And then once they decided,   10:45

```
 1   implementing it did not take much time at all.        10:45

 2       Q    But he --                                    10:45

 3       A    So there were difference -- there were       10:45

 4   differences of opinion on the team as to what the     10:45

 5   desired behavior should be.                           10:45

 6       Q    Did he tell you about any of those           10:45

 7   differences of opinion?                               10:45

 8       A    No.                                          10:45

 9       Q    And he didn't give you a specific time frame 10:45

10   for how long -- long it took to actually implement the 10:45

11   functionality; is that correct?                       10:45

12       A    Correct.  He just said once they decided what 10:45

13   it should do, it was pretty easy to do.               10:45

14       Q    Do you agree with him on that?               10:45

15           MR. TUNG:  Objection; vague.                  10:45

16           THE WITNESS:  I have no way of judging        10:45

17   whether he -- I just have to go by what he said.  I   10:46

18   don't -- I don't -- I didn't look at the source code. 10:46

19   I mean, he -- what he said was the blue glow extends  10:46

20   out the same distance that the document would have    10:46

21   pulled away from the edge.  And so to me, it makes    10:46

22   sense that that wouldn't be difficult.                10:46

23           MR. AHN:  Q.  Is there anything else that you 10:46

24   discussed with Mr. Kho?                               10:46

25       A    Yes.  I remember asking him questions about  10:46
```

1   whether there were any situations in which the   10:46

2   contacts list moves in a two-dimensional way.   10:46

3   Q   What was his response?   10:46

4   A   Well, he said several times during the course 10:46

5   of the conversation that he did not implement the   10:47

6   contacts application. He only implemented the list   10:47

7   functionality, which has built into it a number of   10:47

8   different possible behaviors. But the contacts   10:47

9   application doesn't make use of everything that the   10:47

10   list functionality can do.   10:47

11   One thing that we had noted before we talked   10:47

12   to him was that it is possible to take specific list   10:47

13   items -- in certain versions of the software, it's   10:47

14   possible to take specific list items and move them   10:47

15   left to right, but the list as a whole only moves up   10:47

16   and down.   10:47

17   So we were asking him about other possible   10:47

18   situations in which there could be two-dimensional   10:47

19   motion.   10:47

20   Q   Based on your own examination of the Samsung 10:47

21   products, were there any instances in which you could   10:47

22   have the contacts list move in two dimensions?   10:47

23   A   The list as a whole -- no.   10:48

24   As I said, we did notice situations in which   10:48

25   specific items could be moved left or right.   10:48

1   person who is using the device to make that decision?   10:57

2   MR. TUNG: Objection; mischaracterizes   10:57

3   testimony; beyond the scope; vague; incomplete   10:58

4   hypothetical.   10:58

5   THE WITNESS: No. I think it would depend on   10:58

6   the designer of the application.   10:58

7   MR. AHN: Q. Can you explain what you mean   10:58

8   by that.   10:58

9   MR. TUNG: Same objections.   10:58

10   THE WITNESS: The -- the -- the application   10:58

11   is designed so that -- so that its contents can be   10:58

12   organized in certain ways. So, for example, in most   10:58

13   computer systems we have folders, and we can put   10:58

14   folders inside folders.   10:58

15   MR. AHN: Q. So let's try it this way: If   10:58

16   you had a folder inside the gallery that said "photos   10:59

17   from college," and then there was another folder that   10:59

18   said "photos from law school," you would consider   10:59

19   those to be separate electronic documents; is that   10:59

20   correct?   10:59

21   MR. TUNG: Same -- same objections.   10:59

22   THE WITNESS: I would consider the folders to   10:59

23   be electronic documents, just as the photographs are   10:59

24   electronic documents.   10:59

25   MR. AHN: Q. And if you simply had an entire   10:59

1   gallery full of images, and you looked at the first   10:59

2   column of that and said, "Well, the first column is   10:59

3   going to be my law school photographs; I consider that 10:59

4   to be a separate electronic document," would that make 10:59

5   sense to you?   10:59

6   MR. TUNG: Objection; incomplete   10:59

7   hypothetical; beyond the scope; vague.   10:59

8   THE WITNESS: Yeah, I -- I don't know.   10:59

9   That's a hard question to answer because -- because   10:59

10 regardless of what -- regardless of what the designer   10:59

11 does, sometimes the users have to make up -- they have 11:00

12 to use the device in such a way that allows them to do 11:00

13 things that the designer may not have thought of.   11:00

14   And so -- so, for example, I know from my own   11:00

15 case, when I'm putting together a slide show for my   11:00

16 friends, I'll make sure that I'll allot pictures for   11:00

17 certain -- certain subjects are first, and then other   11:00

18 ones follow.   11:00

19   So whether -- whether the photographs, let's   11:00

20 say, that describe the departure on my vacation are a   11:00

21 separate document from the photographs that describe   11:00

22 the -- that depict the return from my vacation are --   11:00

23 are separate documents, is sort of in the mind of me,   11:00

24 the user.   11:01

25   MR. AHN: Q. Did you discuss the blue glow   11:01

1   functionality in the gallery with Mr. Nam?   11:01

2   A   Probably. I'm not sure -- I'm not sure I   11:01

3   remember whether we discussed blue glow with Mr. Nam. 11:01

4   The main person I remember discussing it with 11:01

5   was Mr. Kho, but I'm not -- I'm not sure.   11:01

6   Q   Do you know if the blue glow is implemented   11:01

7   the same way in the contacts application as it is in   11:01

8   the gallery application?   11:01

9   A   I don't know.   11:01

10   Q   And you don't recall if you had that specific 11:01

11 discussion with Mr. Nam regarding blue glow and the   11:01

12 gallery; correct?   11:01

13   A   Correct.   11:01

14   Q   Was there anything else that you remember   11:01

15 discussing with Mr. Nam?   11:02

16   A   Hold still.   11:02

17   Q   What do you mean by that?   11:02

18   A   The behavior of the gallery in which, when   11:02

19 you drag an image -- when -- first of all, you have to 11:02

20 go into zoomed-in mode. So you're in zoomed-in mode, 11:02

21 looking at a picture magnified.   11:02

22   And when you move your finger slowly and pan   11:02

23 the picture and the edge of the document is -- the   11:02

24 edge of the photograph is reached and you let go, it   11:02

25 does not bounce back necessarily to the -- so that   11:02

1   the -- the area beyond the edge is -- is no longer   11:02

2   displayed. It doesn't necessarily bounce back.   11:03

3   It -- if you are moving your finger slowly   11:03

4   enough and you let go, it just stays where -- exactly   11:03

5   where it is.   11:03

6   Q   You just said that it does not bounce back   11:03

7   necessarily. Does that mean in some instances --   11:03

8   instances it would and in some instances it wouldn't?   11:03

9   A   You have to be moving your finger very slowly   11:03

10   and then let go for it not to bounce back.   11:03

11   Q   What do you think of that functionality?   11:03

12   MR. TUNG: Objection; vague.   11:03

13   MR. AHN: And by "that functionality," I'm   11:03

14   referring to the hold still functionality.   11:03

15   MR. TUNG: It's still -- still vague.   11:03

16   THE WITNESS: I -- what I thought of it was   11:03

17   that it -- let's see.   11:03

18   It's hard to -- it's hard to make it happen.   11:03

19   So my -- my feeling was that it would -- it has a   11:04

20   certain -- it has a certain purpose. There's a   11:04

21   certain purpose behind it, but one would have to know   11:04

22   that purpose in order to -- to do it because if you   11:04

23   move your finger too fast, it does bounce back.   11:04

24   MR. AHN: Q. What is the purpose of having   11:04

25   that functionality?   11:04

1   to the electronic document in order to be beyond its   13:39

2   edge.   13:39

3   MR. TUNG: Objection; mischaracterizes   13:39

4   testimony.   13:39

5   THE WITNESS: The -- the elements of Claim 1   13:39

6   of the patent say that in response to an edge of the   13:39

7   screen -- the edge of the document being reached, an   13:39

8   area beyond the edge of the document is displayed.   13:39

9   So what that means to me is at the time in   13:40

10   which some -- the area -- the edge of the document is   13:40

11   reached, something -- some software does something to   13:40

12   display something.   13:40

13   And what the software is doing is moving the   13:40

14   document aside and letting -- allowing the -- in the   13:40

15   Samsung phones, the -- the Samsung devices, it's   13:40

16   moving the -- the document aside and allowing the   13:40

17   background to be seen.   13:40

18   And that background was set up at the   13:40

19   beginning of the application, not in -- in response to   13:40

20   reaching the edge of the document.   13:40

21   MR. AHN: Q. Is the background being   13:40

22   displayed when you can't see it?   13:40

23   A   It's not being -- it's not being -- it's not   13:41

24   visible to the user. It's -- so in that sense, it's   13:41

25   not being displayed.   13:41

1   Q   Is there anything else you recall about your   13:41

2   discussion with Sun Young Kim from ThinkFree?   13:41

3   A   I think I just mentioned two things. One is   13:41

4   that -- no. Well, all I can remember -- all I   13:41

5   remembered with my conversation with him is we just   13:41

6   discussed backgrounds.   13:41

7   And the other thing that I remembered was   13:41

8   that I have seen source code for that -- for that   13:41

9   application, which I wasn't sure I had seen before.   13:41

10   Q   Is that listed in the materials considered in   13:41

11   your expert report?   13:41

12   A   Well, let's see. Whoops. Wrong document.   13:41

13   I don't see it listed here. I think that it   13:42

14   mentions in -- in the report that I viewed source   13:42

15   code. Let's see. ThinkFree Office. Let me just look   13:42

16   here. Materials considered.   13:43

17   Right now, I'm not finding where it -- it   13:43

18   mentions in here that I considered some soft -- some   13:43

19   of the source code for ThinkFree Office.   13:43

20   Q   Okay. Let me ask you a little bit more about   13:43

21   the blue glow design-around that we previously   13:43

22   discussed.   13:44

23   A   Uh-huh.   13:44

24   Q   Do you know when that functionality was   13:44

25   implemented in Samsung's devices?   13:44

1   A   Well, based on my conversations with the   13:44

2   Samsung engineers, it was implemented sometime in -- I 13:44

3   believe they said it was sometime in 2011, but I --   13:44

4   I'm not -- I'm not really sure. I -- they didn't   13:44

5   mention a specific date. They just talked about the   13:44

6   sort of time of the year. I think it was early 2011.   13:44

7   I don't -- I'm not actually positive about that.   13:44

8   Q   You yourself have not seen the source code   13:44

9   for that functionality; is that correct?   13:44

10   A   That's correct.   13:45

11   Q   You also offered the opinion that this is not   13:45

12   a particularly complicated design-around, that it was   13:45

13   fairly easy to implement; do you recall that?   13:45

14   A   Yes.   13:45

15   Q   Would implementing that type of functionality   13:45

16   be something that was well known by people in the   13:45

17   field?   13:45

18   MR. TUNG: Objection; vague.   13:45

19   THE WITNESS: People in what field?   13:45

20   MR. AHN: In the field of user interfaces,   13:45

21   human/computer interaction.   13:45

22   MR. TUNG: Objection; vague.   13:45

23   THE WITNESS: Well, as I said, the Samsung   13:45

24   engineers told me that it took them a while to figure   13:45

25   out on -- among their team what the -- what the design 13:45

1   should be. And then once they designed -- figured   13:45

2   that out, then they -- implementing it was not hard.   13:46

3   I don't think there was any -- from that,   13:46

4   I -- I am saying that I am -- I'm getting that   13:46

5   there's -- there wasn't sort of a preconceived idea of 13:46

6   what the design should be. And certainly, in my   13:46

7   experience before, I haven't seen that kind of a way   13:46

8   of indicating that you've reached the edge of a   13:46

9   document.   13:46

10   MR. AHN: Let me turn now to the '381 patent   13:46

11 itself.   13:46

12   Q   You previously testified that you had a   13:46

13 general understanding what the patent was about, and I 13:46

14 think you said that it offered visual feedback   13:46

15 regarding reaching the end of an electronic document;   13:46

16 is that accurate?   13:46

17   A   Yes. It's a patent about displaying -- yes.   13:46

18 It's giving users visual feedback when they reach the   13:47

19 edge of a -- edge of a document.   13:47

20   Q   Do you know what problem the '381 patent was   13:47

21 trying to solve?   13:47

22   MR. TUNG: Objection; vague.   13:47

23   THE WITNESS: Well, it says in the   13:47

24 specification it was trying to solve -- or in the --   13:47

25 in the -- in the beginning of the patent, in the   13:47

1   introduction, it says that it's trying to solve the   13:47

2   problem of the user knowing that they received --   13:47

3   reached the end of the document.   13:47

4   MR. AHN: Q. Do you think that was an issue   13:47

5   prior to the '381 patent?   13:47

6   A   Yes.   13:47

7   Q   Why?   13:47

8   A   Because users would reach ends of documents   13:47

9   and need some feedback that they reached the end.   13:47

10   Q   Do you recall what types of feedback or lack   13:47

11   of feedback that existed prior to the '381 patent?   13:47

12   MR. TUNG: Objection; vague and beyond the   13:47

13   scope.   13:47

14   THE WITNESS: Well, prior to the '381 patent,   13:47

15   I'm not sure. I mean, prior to bounce, there were --   13:48

16   there was -- there were user interfaces that did   13:48

17   nothing, that basically did a hard stop.   13:48

18   There -- I don't know what other -- you know,   13:48

19   typically in a word processor, let's say Microsoft   13:48

20   Word, when you reach the end of the document, it   13:48

21   stops.   13:48

22   But you weren't scrolling by dragging your   13:48

23   finger. You were scrolling by pulling a scroll bar on   13:48

24   the side of the screen, and that was usually in the   13:48

25   opposite direction that the document was moving. So   13:48

1   A   An edge that is at the extreme -- or a   16:00

2 scrollable edge is actually at the -- at the edge of   16:00

3 an electronic document in the -- that's -- I guess the   16:00

4 edge is perpendicular to the direction of movement of   16:00

5 the -- of the document, you know. In the constrained   16:00

6 case, it's perpendicular to the edge. If the document   16:00

7 is -- can move in an unconstrained way, then some of   16:00

8 the -- then all of the edges are scrollable edges,   16:00

9 really.   16:00

10   MR. AHN: I'm going to hand you what I've   16:01

11 marked as Exhibit No. 4.   16:01

12   (Document marked J. Johnson Exhibit 4   16:01

13   for identification.)   16:01

14   THE WITNESS: So are we through with this?   16:01

15   MR. AHN: No. You can leave that open in   16:01

16 front of you.   16:01

17   THE WITNESS: Okay.   16:01

18   MR. AHN: I'll come back to it.   16:01

19   Exhibit 4 is just a screen capture from the   16:01

20 New York Times homepage from yesterday.   16:01

21   THE WITNESS: Okay.   16:01

22   MR. AHN: Q. Can you tell me in Exhibit 4   16:01

23 what you would consider to be the scrollable edges.   16:01

24   MR. TUNG: So I'll object that this is a -- a   16:01

25 printout on a piece of paper, and you're asking about   16:01

1   edges in the context of the '381 document --   16:01

2   '381 patent.   16:01

3   MR. AHN: Let me give you some context.   16:01

4   Q   This is just a screen capture of Internet   16:01

5   Explorer showing the New York Times homepage. And I'm 16:01

6   curious as to, if you were looking at this on the   16:02

7   screen of a computer, what you would consider to be a 16:02

8   scrollable edge?   16:02

9   MR. TUNG: So I'll still make the same   16:02

10 objection.   16:02

11   THE WITNESS: Yeah, it would be -- it would   16:02

12 be nicer if this picture had -- had the browser also 16:02

13 shown in it so that I could see something about   16:02

14 where -- you know, how the browser is.   16:02

15   But assuming that the browser is oriented   16:02

16 vertically on the page the same way that this is, then 16:02

17 I would consider scrollable edges to be the top and   16:02

18 the bottom because we are viewing the entire width of 16:02

19 the page.   16:02

20   And, therefore, the -- when -- the way the   16:02

21 browser operates is that it's constrained when you're 16:02

22 looking at the -- when you're zoomed out, to me.   16:02

23   And so the scrollable edges are the top and   16:02

24 the bottom.   16:02

25   MR. AHN: And, in fact, if this were being   16:02

1   displayed on one of the accused Samsung products with   16:03

2   blue glow in it, if you tried to go up and down, you   16:03

3   would actually see the blue glow appear from the top   16:03

4   or the bottom, depending on the direction of the   16:03

5   scroll; is that correct?   16:03

6   MR. TUNG: Objection; incomplete   16:03

7   hypothetical. I'll just say same objections.   16:03

8   THE WITNESS: If you are scrolling the page   16:03

9   down and you reach the top, then the blue glow would   16:03

10   appear from the top edge. If you're scrolling up and   16:03

11   you reach the bottom, then the blue glow would appear   16:03

12   from the bottom edge.   16:03

13   MR. AHN: Q. What about the photograph   16:03

14   towards the center of the page? Would you consider   16:03

15   that an electronic document?   16:03

16   A   That's a document inside a document, yes.   16:03

17   Q   So in this example, would you consider the   16:03

18   overall New York Times page as the electronic   16:03

19   document, with other electronic documents embedded in   16:03

20   it?   16:03

21   A   Well, I -- I suppose so. Yes, I would.   16:03

22   Balakrishnan has said in his statement that a photo --   16:04

23   photographs are electronic documents, so -- and I   16:04

24   agree with him.   16:04

25   Q   Would you consider the edges of the   16:04

1   photograph to be scrollable edges in this example?   16:04

2   MR. TUNG: Same -- same objection.   16:04

3   THE WITNESS: Well, this sort of depends   16:04

4   on -- on the application because in some applications,   16:04

5   as we've seen, there is -- there is snap in between   16:04

6   documents in a -- an electronic -- in documents that   16:04

7   are contained in an electronic document; that is to   16:04

8   say, the subordinate documents. There is snap in   16:04

9   between them, and in other applications there isn't   16:05

10   any such snap.   16:05

11   So, for example, in ThinkFree Office, if it's   16:05

12   in the vertical mode, there is no snap in between any   16:05

13   pages. But if it's in the horizontal mode, then there 16:05

14   is snap in ThinkFree Office.   16:05

15   And similarly, in this browser, there --   16:05

16   there isn't -- there isn't -- there isn't snap between   16:05

17   the sub -- subdocuments of the main document.   16:05

18   Now, first of all, I will say that even if   16:05

19   there were snap between subordinate documents in a   16:05

20   browser, I wouldn't expect that snap to ever appear or   16:05

21   to be noticeable unless I were to zoom that -- that --   16:06

22   zoom the document display up such that the photograph   16:06

23   filled the entire display.   16:06

24   You know, I have seen other applications in   16:06

25   which if I -- if I zoomed up so the page was looking   16:06

1   THE WITNESS: Well, it -- like I said, it   17:28

2 shares some characteristics. I don't know what the   17:28

3 form factor is for the Apple phone.   17:28

4   For example, the iPhone -- I don't know if   17:28

5 they're wider than this is, you know. In other words,   17:28

6 there's a certain aspect ratio here. I don't know if   17:28

7 the iPhone is the same aspect ratio. But it does   17:29

8 share some characteristics of an iPhone, yes.   17:29

9   MR. AHN: You can go ahead and power it on.   17:29

10 And if you want to go ahead and examine the build   17:29

11 information, that's fine.   17:29

12   THE WITNESS: It is hardware version i500.04.   17:29

13 Mode No. SCH-i500. Formula Version Firmware Version   17:29

14 2.1. Update 1. Baseband version S:I500.04K.DJ20.   17:29

15 Kernel version 2.6.29, and Build No. SCH-i500.DJ20.   17:30

16   MR. AHN: Q. I just want to direct your   17:30

17 attention to page 22 of your report. At the table at   17:30

18 the top, in row number 12, it states the Galaxy S   17:30

19 Showcase i500, and then it states Android Version   17:30

20 2.3.5; do you see that?   17:30

21   A   I see that.   17:30

22   Q   That's a different version than the Galaxy S   17:30

23 Showcase that's been marked as Exhibit 8; correct?   17:30

24   A   Correct.   17:30

25   Q   The opinions that you've expressed about the   17:30

1   Galaxy S Showcase that you examined are not   17:30

2   necessarily applicable to the Galaxy S Showcase that   17:31

3   is Exhibit 8; correct?   17:31

4   A   That's correct.   17:31

5   Q   Go ahead and open up the Gallery application   17:31

6   on that phone. And go ahead and try moving the   17:31

7   document around.   17:31

8   Do you see the blue glow functionality?   17:31

9   A   No.   17:31

10   Q   Taking a look at your report again, on   17:31

11   page 22, the box that is checked is the fourth   17:31

12   non-infringement position, and looking at page 23 of   17:31

13   your report, the fourth non-infringement position is   17:31

14   blue glow; is that right?   17:32

15   A   Correct.   17:32

16   Q   So even if your opinion regarding   17:32

17   non-infringement on the Galaxy S Showcase phone that   17:32

18   you examined was based on the fact that it had the   17:32

19   blue glow functionality, that opinion does not apply   17:32

20   to the Galaxy S Showcase phone that is Exhibit 8;   17:32

21   correct?   17:32

22   A   Correct.   17:32

23   Q   You can go ahead and set that aside.   17:32

24   Why don't we take a quick break. I think I'm   17:32

25   just about finished   17:32

1   THE VIDEOGRAPHER: The time is 5:33 p.m., and   17:32

2 we are off the record.   17:32

3   (Recess taken.)   17:32

4   THE VIDEOGRAPHER: The time is 5:43 p.m., and   17:42

5 we are on the record.   17:42

6   MR. AHN: Q. Dr. Johnson, have you been   17:42

7 asked to testify at the trial of this case?   17:42

8   A   Not yet.   17:42

9   Q   Is it your understanding that you intend to   17:42

10 testify at trial in this case?   17:42

11   A   I don't know. That -- I guess it's a   17:43

12 possibility, but I don't really know.   17:43

13   MR. AHN: Thank you for your time today. I   17:43

14 have no further questions.   17:43

15   17:43

16   EXAMINATION BY MR. TUNG   17:43

17   MR. TUNG: So I have a couple of questions,   17:43

18 and if it's okay, I'll just proceed. So I think we   17:43

19 were on Exhibit 8.   17:43

20   Can you mark this as Exhibit 9.   17:43

21   THE WITNESS: It's the expert report.   17:43

22   (Document marked J. Johnson Exhibit 9   17:43

23   for identification.)   17:43

24   MR. TUNG: And then mark this one as   17:43

25 Exhibit 10.   17:43