

EXHIBIT 3

FILED UNDER SEAL

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

5 APPLE INC., a California
6 corporation,

7 Plaintiff,

8 vs.

CASE NO. 11-cv-01846-LHK

9 SAMSUNG ELECTRONICS CO.,
10 LTD., a Korean business
11 entity; SAMSUNG ELECTRONICS
12 AMERICA, INC., a New York
13 corporation; SAMSUNG
TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited
liability company,
Defendants.

_____/

14
15
16 H I G H L Y C O N F I D E N T I A L
17 O U T S I D E C O U N S E L O N L Y
18

19 VIDEOTAPED DEPOSITION OF CHRISTOPHER STRINGER
20 REDWOOD SHORES, CALIFORNIA
21 FRIDAY, NOVEMBER 4, 2011
22

23 BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CCRR, CLR
24 CSR LICENSE NO. 9830
25 TSG JOB NO. 43706

1 A Yes.

2 Q -- that you see there, had you seen tablet
3 computer models there at Apple back in the 2004 time
4 period that had that kind of broader gap in that
5 general location?

6 A I do not recall seeing such gaps on models
7 for tablet projects.

8 Q Do you have any understanding or information
9 as to why there is what we're calling that broader
10 gap?

11 A I do not have a recollection of this design,
12 so I do not know the purpose of that broader gap.

13 Q And you'll see, if you look in the opening of
14 the larger gap -- and you'll have to look at it at
15 various angles, but you can see that there appears to
16 be some kind of detail on the interior there?

17 A I see that.

18 Q Do you know what that is?

19 A It's a very tight-ribbed component -- or are
20 they holes? I can't tell.

21 Q Do you know if that -- that ribbed component
22 or those holes were intended -- because obviously,
23 we're talking about a nonworking model -- to -- to be
24 vent holes or whether they were purely ornamental or
25 something else?

1 A I don't know.

2 Q Direct your attention back to the '889 design
3 patent.

4 A Yes.

5 Q Do you have any knowledge or information as
6 to whether or not photographs of that physical mockup
7 that you have in front of you, the 035 mockup, were
8 submitted to the patent office as part of the
9 application and prosecution process for the
10 '889 design patent?

11 A In my preparations for today, we looked at
12 copies of photographs of this object that I understand
13 are attached to this patent.

14 Q And so if I understand you correctly, it's
15 your understanding that the photographs that were
16 submitted to the patent office as part of the
17 '889 design patent depict the three-dimensional mockup
18 that you have in front of you that we call the 035?

19 A It is my understanding, and my recollection
20 of yesterday's discussion, that the photographs that I
21 saw related to this model and this patent.

22 Q Right.

23 And I guess I'm trying to now figure out
24 what -- what photographs we're talking about so that
25 we're on the same page. So let me -- let me provide

1 some, and maybe that will help.

2 What's the next number?

3 THE REPORTER: 1171.

4 MR. ZELLER: 1171?

5 THE REPORTER: Yes.

6 MR. ZELLER: Please mark as Exhibit 1171
7 excerpts from the prosecution history of the
8 504,889 design patent.

9 (Document marked Exhibit 1171
10 for identification.)

11 THE WITNESS: Thank you.

12 MR. ZELLER: So you have both sets in front
13 of you at the same time, let's also please mark as
14 Exhibit 1172 -- I'm sorry. Actually, we marked this
15 before. What's this exhibit number? I think it's
16 841.

17 MR. JACOBS: He has the better photos. He
18 has the better photos.

19 MR. ZELLER: Don't worry. I gave you the
20 other set, too. I'm not trying to be totally unfair
21 here.

22 So I'm going to show you what I am fairly
23 confident was previously marked as Exhibit 841. We'll
24 in the interim confirm that that is the exhibit
25 number, but I believe I have it memorized now.

1 MR. JACOBS: Just put the Bates range into
2 the record.

3 MR. ZELLER: Yeah. And this, for the record,
4 is APLPROS000018778 through '18798.

5 MR. JACOBS: Mr. Stringer, as you're
6 discussing the meeting we had yesterday, if you can
7 describe what you did, as opposed to any particular
8 communications that you and I had on the subject, that
9 would avoid the need for me to instruct you each time
10 Mr. Zeller asks you a question.

11 THE WITNESS: Sorry. Say that again, please.

12 MR. JACOBS: If you can describe what you did
13 at the meeting by way of comparison, rather than what
14 I -- what -- what your and my discussion was on the
15 topic.

16 THE WITNESS: What I did yesterday?

17 MR. JACOBS: Yes.

18 THE WITNESS: In comparing these --

19 MR. JACOBS: As Mr. Zeller is asking you
20 questions --

21 THE WITNESS: Okay. Oh.

22 MR. JACOBS: If you can describe what you did
23 rather than our discussion --

24 THE WITNESS: Got it.

25 MR. JACOBS: -- then I don't have to engage

1 in privilege discussions each time.

2 THE WITNESS: Right.

3 MR. ZELLER: Just generally speaking, avoid
4 disclosing the substance of the communications you had
5 with your counsel.

6 THE WITNESS: Got it.

7 MR. ZELLER: I put in front of you two
8 exhibits. One is Exhibit 1171, and another one is
9 Exhibit 841.

10 Q Are -- are either of these photographs --

11 A Oh, 841. Okay.

12 Q Yes.

13 Or do they include photographs that you're
14 referring to?

15 A So document 1171 is of no material value, on
16 account of it appearing to be largely blank, with the
17 exception of some very poor-quality shadowy images.
18 So I would prefer to not refer to that in any way or
19 form.

20 Document 841 for the most part resembles
21 photographs that I reviewed yesterday, but there
22 appear differences that may be immaterial to the
23 questioning.

24 Q Focusing on the photographs that are marked
25 here as Exhibit 841, is the three-dimensional mockup

1 that's depicted in the photographs that we marked as
2 Exhibit 841, where the -- where the mockup is shown,
3 the same physical mockup that you have in front of you
4 that we call the 035 mockup?

5 A I believe you're asking me, are these
6 photographs of the subject? And it is my belief that
7 these are photographs of the object.

8 Q And so the record is clear, when you say --

9 A Oh.

10 Q -- "the photographs," you're referring to the
11 photographs that are depicted in 841, and then the
12 object that you're pointing to and referring to is
13 what we call the 035 model?

14 A Yes.

15 MR. JACOBS: If we could just ask you,
16 Mr. Zeller, is this -- these -- this writing on this,
17 is this in the '841 that you -- that is in the record?
18 I'm looking at '18792.

19 MR. ZELLER: This is exactly how it was
20 produced to us.

21 MR. JACOBS: Oh, with these lines on it?

22 MR. ZELLER: Right.

23 THE WITNESS: I recall those lines yesterday.

24 MR. JACOBS: Okay.

25 MR. ZELLER: All right.

1 Q And setting aside the various lines and
2 drawings that appear to be on these photographs, you
3 understood I was asking you about the object that's
4 depicted in the actual photographs; is that correct?

5 A Yes.

6 Q And without disclosing the substance of what
7 you discussed with your counsel, did -- did you
8 satisfy yourself that the 035 mockup is, in fact,
9 what's in the -- the photographs that we've marked as
10 Exhibit 841?

11 A I am convinced from studying both the object
12 035 and the Document 841 that these are one and the
13 same object.

14 Q And that comparison that you did led you to
15 be satisfied that they're one and the same?

16 A Yes. I studied the photographs. I studied
17 the object. I believe that these are photographs of
18 model Apple Proto 035.

19 Q And directing your attention, then, to the
20 page ending '18787, which is part of Exhibit 841.

21 A Yes.

22 Q And working with the images such as we have
23 them --

24 A Yes.

25 Q -- is that ribbing that you see there that

1 runs along what we can generally say is the perimeter
2 of the -- the front surface, at least in terms of the
3 corner that appears closest to the -- to the --

4 A Yes, ribbing or holes. I need to pick the
5 model apart to be sure, but it looks more like some
6 form of rib.

7 Q And that's one of the comparisons that you
8 see between the photographs and the three-dimensional
9 model, the 035 model, that satisfied you that they're
10 one and the same?

11 A That is one of the details that satisfied me
12 that it was one and the same.

13 Q Directing your attention to '18790.

14 A Yes.

15 Q You'll see that, at least as shown in this
16 image here, there appears to be a somewhat thicker,
17 darker line that runs at least part of the perimeter
18 of the front of the device that can be seen there on
19 the front; do you see that?

20 A There are a number of parallel lines, one of
21 which is darker and broader than others.

22 Q And does that line, in your view, correspond
23 to the -- the broader gap that's discernible there on
24 the 035 model?

25 A It appears to be either the edge of the cover

1 glass or a shadow beneath it, or a combination of
2 both.

3 Q Well, let me -- let me try it with another
4 image, and maybe we'll come back to this in a minute.
5 If you'd take a look at the next page, which is
6 '18791.

7 A Yes.

8 Q And maybe this is a better image to try and
9 work from, but you'll see that there is a -- a darker
10 line that runs in between the lighter-colored housing
11 and then the so-called glass, but is really plastic
12 flat surface; do you see that darker line?

13 A Yes.

14 Q Does that darker line, in your view,
15 correspond to the broader gap that you talked about
16 earlier with respect to the 035 model?

17 A It looks to me to be some combination of --
18 and of the edge of what we call the glass -- cover
19 glass and shadow beneath it. And my guess is it's --
20 the lines show -- what we see is shadow.

21 Q Is the broader gap depicted in this photo,
22 the broader gap that you talked about earlier that
23 is --

24 A This is a dreadful quality reproduction of a
25 photograph. Yes, the broader gap is depicted very

1 badly, but I can tell where it is on the picture.

2 Q Okay. Well, terrific.

3 If I could perhaps hand you a pen, and if you
4 could label where you see that -- that broader gap
5 that you had described and testified earlier with
6 respect to the 035 model.

7 A There.

8 Q And maybe the most convenient way of doing
9 this, if you could maybe hold it up for the -- the
10 camera, and then just kind of show where it runs on
11 the -- on the page.

12 A Well, the narrower gap is depicted by this --

13 THE VIDEOGRAPHER: Sir, can you show --

14 THE WITNESS: Okay. The narrow gap is
15 depicted by this gray fuzzy line here. The broader
16 gap is in some part depicted by the dark shadow and
17 the light area next to it.

18 MR. ZELLER: And it runs along --

19 THE WITNESS: It runs around the full, with
20 less and less clarity, edge of the photograph. I have
21 to say it's -- it's too poor an image to discern much
22 of anything above the line.

23 MR. JACOBS: Should we mark this as a new
24 depo exhibit?

25 MR. ZELLER: Yes, I think so.

1 So let's, for the record, please mark as the
2 version of 841 that now has Mr. Stringer's marking on
3 it on page '18791 as Exhibit 841A.

4 (Document marked Exhibit 841A
5 for identification.)

6 MR. ZELLER: If we can go back to
7 Exhibit 1170. And by the way, did you want to send
8 those mockups back?

9 MR. JACOBS: That would be great.

10 MR. ZELLER: Okay. So let's go off the
11 record.

12 THE VIDEOGRAPHER: The time is 2:42 p.m., and
13 we are off the record.

14 (Recess taken.)

15 THE VIDEOGRAPHER: The time is 2:55 p.m., and
16 we are back on the record.

17 MR. ZELLER: Direct your attention to the
18 '889 design patent, which was previously marked as
19 Exhibit 8.

20 MR. JACOBS: I'll just hand you my copy.

21 THE WITNESS: All right. Thank you.

22 MR. ZELLER: Q. Please take a look at
23 Figure 1.

24 A Yes.

25 Q You'll see on Figure 1 that at least as part

1 of the -- at least along part of the -- generally what
2 we'll call the perimeter area of the front, there's a
3 darker, thicker line?

4 A Which figure are you looking at?

5 Q This is Figure 1.

6 A Figure 1.

7 Q Do you see where at least on part of the
8 perimeter, there is a line that is darker and thicker?

9 A Which would be the second line from the left
10 on the left side of the figure.

11 Q Right, on the left side.

12 And then on the bottom portion of Figure 1,
13 it appears to run -- to be the line that is -- that
14 the -- is the edge, at least from that perspective?

15 A It looks like the edge, yes.

16 Q Do you know what that thicker line depicts?

17 A It's -- on the lower edge, it's the -- it
18 looks like the edge of the housing.

19 Q Well, what about on the left side?

20 A It's the edge of the housing.

21 Q So on both the left side and the bottom side,
22 you construe that darker, thicker line to be where the
23 edge of the housing is?

24 A I do construe that. And it's -- my
25 assumption is confirmed by looking at Figure 3 that