

EXHIBIT 9
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
14 TELECOMMUNICATIONS AMERICA,
15 LLC, a Delaware limited
16 liability company,
17 Defendants.

18 _____/

19 H I G H L Y C O N F I D E N T I A L
20 A T T O R N E Y S ' E Y E S O N L Y

21 VIDEOTAPED DEPOSITION OF JEFFREY JOHNSON, Ph.D.
22 REDWOOD SHORES, CALIFORNIA
23 THURSDAY, April 26, 2012

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