

Exhibit 9
(Submitted Under Seal)

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

4 APPLE INC., a California
5 Corporation,

6 Plaintiff,

Case No.

7 vs.

11-CV-01846-LHK

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

15 Defendants.

16 CONFIDENTIAL OUTSIDE COUNSEL ONLY
17 PURSUANT TO PROTECTIVE ORDER

18 VIDEOTAPED DEPOSITION OF JONATHAN IVE
19 San Francisco, California
20 Tuesday, February 7, 2012
21 (Volume II - Pages 260 - 335)

22
23 REPORTED BY:

24 CYNTHIA MANNING, CSR No. 7645, CLR, CCRR
25 JOB NO. 46227

1 MR. KIDMAN: Scott Kidman for Samsung. 15:53

2 MR. JACOBS: Michael Jacobs for Apple.

3 MR. HO: Francis Ho for Apple.

4 MS. TIERNEY: Erica Tierney for Apple.

5 THE VIDEOGRAPHER: Will the court 15:53

6 reporter please swear in the witness.

7

8 JONATHAN IVE,

9 having first been duly sworn, testified

10 as follows: 15:53

11

12 MR. ZELLER: And so we have it on the

13 record, what we're doing here is we are now

14 switching over to the Northern District of

15 California deposition portion of Mr. Ive's day. 15:53

16 And for the record, I hadn't finished

17 my questioning in the ITC proceeding. But in

18 light of the fact that the witness is recovering

19 from a cold or flu, as well as the fact that we

20 don't want to overtax him, I decided I would 15:54

21 switch over.

22 Obviously, I'm reserving my rights in

23 terms of what we do going forward on the

24 remainder of the ITC proceedings. But in the

25 interest of addressing and acting pursuant to 15:54

1 I have less recollection about this model and its 16:43
2 place in the development process for the
3 different generations of iPhone.

4 Q. And also, for record purposes, if you
5 could please hold that one up and show it to the 16:44
6 camera, that would be helpful.

7 A. (Witness complies.)

8 Q. And you'll see on this prototype
9 that -- or model that we marked as
10 Exhibit 1454 -- that the corners are not rounded; 16:44
11 but, rather, more of -- more of a straight edge?

12 A. Yes. The four -- the four corners in
13 the plan view have a -- I don't know the best way
14 of describing it -- but a flat chamfer. There is
15 a radius that connects that chamfer to the main 16:44
16 -- you know, to the horizontal and vertical
17 perimeter of the product.

18 Q. And do you recall what was being
19 explored by having the corners in that manner?

20 A. No, I don't recall specifically what we 16:45
21 were exploring or examining here, other than
22 this -- this being very typical of our process,
23 which is to be exploring the many -- the many
24 alternative solutions that there are to design an
25 iPhone. 16:45

1 So when you ask me why -- why would a 17:01
2 designer make this model, to answer that question
3 properly, I think you have to understand its
4 context in design explorations that are
5 constantly happening. 17:02

6 And so this is one -- this represents
7 one of many design explorations. I don't know
8 for which product. I don't know when this
9 occurred. But I know that it's typical of
10 constantly exploring. 17:02

11 Q. And I guess one way of what I'm trying
12 to really drive at here is, just purely from a
13 design aesthetic point of view, is there anything
14 that you see that's better or worse about having
15 a completely flat front surface of the kind that 17:02
16 the original iPhone had, the first iPhone had, as
17 compared to the more complex and not completely
18 flat surface that the model we've marked as
19 Exhibit 1455 has?

20 MR. JACOBS: Objection; form. 17:02

21 THE WITNESS: Could you ask me that
22 again, please? There were a number of questions.

23 BY MR. ZELLER:

24 Q. Sure. And I'm just -- for the record,
25 I'm just asking, basically, a comparison of this 17:03

1 flat versus non-flat surface between the first 17:03
2 iPhone and then the model we've marked as Exhibit
3 1455.

4 And what I'm asking is, is just purely
5 from your own aesthetic designer point of view, 17:03
6 what's the advantage or disadvantage of having a
7 more complex non-flat surface of the type that's
8 shown in that model, as compared to having a
9 completely flat one?

10 A. Well, they're certainly different. And 17:03
11 it's difficult to compare these -- these two
12 objects, because the aspect ratio is so
13 different.

14 But there is certainly an appearance
15 difference, and I think that there is something 17:03
16 particularly beautiful about a very flat surface,
17 and particularly when it is a singular part, and
18 particularly when that singular part extends
19 right to the very perimeter of the product.

20 And so there is a -- there's an 17:04
21 appearance difference, and we've chosen and
22 developed designs that are -- have this single
23 clear part that's flat because we think it's
24 particularly beautiful.

25 Q. Are there any -- 17:04

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STATE OF CALIFORNIA)

:ss

COUNTY OF SAN MATEO)

I, CYNTHIA MANNING, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action, nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have subscribed my name this 7th day of February 2012.

CYNTHIA MANNING, CSR No. 7645, CCRR, CLR