

**D'AMATO DECLARATION
EXHIBIT G
FILED UNDER SEAL**

BEFORE THE
UNITED STATES INTERNATIONAL TRADE COMMISSION

In the Matter of:) Investigation No.
CERTAIN ELECTRONIC DIGITAL) 337-TA-796
MEDIA DEVICES AND)
COMPONENTS THEREOF)

Main Hearing Room

United States
International Trade Commission
500 E Street, Southwest
Washington, D.C.

Wednesday, June 6, 2012

Volume 5

The parties met, pursuant to the notice of the
Judge, at 8:46 a.m.

BEFORE: THE HONORABLE THOMAS B. PENDER

1 do you recall that?

2 A. Yes. I do.

3 Q. Can you explain to the Court why it is
4 you believe that the bump on the back does not
5 prevent the Galaxy S 4G from infringing, while
6 the -- the curved back of the 3G does -- still
7 does practice the patent in your view?

8 A. I'm sorry, can you repeat that?

9 Q. Sure. That wasn't very good.

10 You were asked about the Galaxy S 4G,
11 correct?

12 A. Correct.

13 Q. And the bump on the back?

14 A. Correct.

15 Q. And the influence that that bump had
16 or didn't have on your opinion about whether
17 the Galaxy S 4G practices the '757 patent,
18 correct?

19 A. Correct.

20 Q. You were also asked about the shape of
21 the back on the iPhone 3G S?

22 A. That's correct.

23 Q. And you -- your opinion is that the
24 iPhone 3G S practices the '757 patent, correct?

25 A. Absolutely.

1 Q. Can you explain to us why it is you
2 reached those two conclusions and that they're
3 not inconsistent despite the different shapes
4 on the back of the two devices?

5 A. I believe the overall impression held
6 by an ordinary observer when comparing these
7 phones is driven dominantly by the reflection
8 and transparency of the overall rectangular
9 curved cornered front of the device and its
10 bezels.

11 And that, to me, is a domineering
12 visual element that, in my experience as a
13 designer, trying to understand over the years
14 what made consumers react to the designs, we
15 were -- I was designing -- I've learned that
16 they react to certain things, and that, to me,
17 really is a dominant creator of the overall
18 impression of these phones.

19 MR. BARQUIST: Thank you. That's all
20 I have, Your Honor.

21 JUDGE PENDER: Do you have anything
22 else, Mr. Zeller?

23 MR. ZELLER: Just a couple questions,
24 Your Honor.

25 JUDGE PENDER: Okay, please.

1 REXCROSS-EXAMINATION

2 BY MR. ZELLER:

3 Q. You mentioned that you consider the
4 dominant aspect of these phones, the iPhone, to
5 be reflection and transparency of the overall
6 rectangular curved corner shape, do you recall
7 that?

8 MR. BARQUIST: Misstates the
9 testimony, Your Honor.

10 THE WITNESS: I believe I mentioned
11 that as part of my description of the overall
12 impression that the ordinary observer would
13 have of the phone, which I believe is
14 represented in the patent.

15 JUDGE PENDER: Note that I would have
16 overruled the objection, but continue.

17 THE WITNESS: I'm sorry.

18 BY MR. ZELLER:

19 Q. As you agreed last time when you
20 testified, D '687 doesn't contain those oblique
21 lines, so it doesn't show a reflection, right,
22 a transparency?

23 A. I'm sorry?

24 Q. Do you recall last time you were here
25 you testified that because the oblique shading

1 (Whereupon, at 4:48 p.m., the hearing
2 recessed, to reconvene at 8:45 a.m. on
3 Thursday, June 7, 2012.)

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1 C O N T E N T S

2 WITNESS DIRECT CROSS REDIRECT RECROSS STAFF

3 DR. SAMUEL RUSS 1797 1820 1853 -- 1848

4 ROBERT ANDERS 1862 1901 1917

5 GREGORY JOSWIAK 1938 1974

6 KIWON LEE 1983

7 KIHYUNG NAM 1988

8 PETER BRESSLER 1992 2021 2048 2051 2053

9 ROBERT ANDERS 2060

10 ANDRIES VAN DAM 2064 2067

11 PETER BRESSLER -- 2092 2105 2112

12

13 AFTERNOON SESSION: 1917

14

15 CONFIDENTIAL SESSIONS: 1947-1982 and 1996-2076,

16

17 E X H I B I T S

18 MARKED RECEIVED

19 COMPLAINANT

20 CX-2596C.....1952

21 CX-15C.....1952

22 CX-54.....1952

23 CX-2384C.....1952

24 CX-2386C.....1952

25 CX-2387C.....1952