

Exhibit 1
(Submitted Under Seal)

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE INC., a California
corporation,

Plaintiff,

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

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

_____ /

H I G H L Y C O N F I D E N T I A L
O U T S I D E C O U N S E L O N L Y

VIDEOTAPED DEPOSITION OF JONATHAN IVE
SAN FRANCISCO, CALIFORNIA
THURSDAY, DECEMBER 1, 2011

BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CCRR, CLR
CSR LICENSE NO. 9830
JOB NO. 43920

Page 2

1 THURSDAY, DECEMBER 1, 2011
 2 10:08 a.m.
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 6 VIDEOTAPED DEPOSITION OF JONATHAN IVE,
 7 taken at QUINN EMANUEL URQUHART &
 8 SULLIVAN, LLP, 50 California Street,
 9 22nd Floor, San Francisco, California,
 10 Pursuant to Notice, before me,
 11 ANDREA M. IGNACIO HOWARD, CLR, CCRR, RPR,
 12 CSR License No. 9830.
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1 SAN FRANCISCO, CALIFORNIA
 2 THURSDAY, DECEMBER 1, 2011
 3 10:08 a.m.
 4
 5
 6 THE VIDEOGRAPHER: Good morning. This is the
 7 beginning of Disc No. 1 of the videotaped deposition
 8 of Jonathan Ive. In the matter of Apple, Inc., versus
 9 Samsung Electronics.
 10 This is a matter pending before the United
 11 States District Court, Northern District of
 12 California, San Jose Division.
 13 We are located today at 50 California Street
 14 in the city of San Francisco, California. Today is
 15 December 1st, 2011, and the time is 10:08 a.m.
 16 My name is Alan Dias from TSG Reporting.
 17 Here with me is Andrea Ignacio, also from TSG.
 18 Counsel, would you please identify yourselves
 19 for the record.
 20 MR. ZELLER: Mike Zeller for Samsung.
 21 MS. NEILL: Anna Neill for Samsung.
 22 MR. JOHNSON: Kevin Johnson for Samsung.
 23 MR. JACOBS: Michael Jacobs, Morrison &
 24 Foerster, for Apple.
 25 MS. WHEELER: Cyndi Wheeler from Apple.

Page 3

1 A P P E A R A N C E S:
 2
 3 FOR APPLE INC.:
 4 MORRISON & FOERSTER
 5 By: MICHAEL A. JACOBS, Esq.
 6 PATRICK ZHANG, Esq.
 7 425 Market Street
 8 San Francisco, California 94105
 9
 10
 11
 12
 13 FOR SAMSUNG ELECTRONICS CO. LTD:
 14 QUINN EMANUEL URQUHART & SULLIVAN
 15 By: MICHAEL T. ZELLER, Esq.
 16 KEVIN JOHNSON, Esq., Redwood Shores
 17 ANNA T. NEILL, Ph.D., Esq., Redwood Shores
 18 865 South Figueroa Street
 19 Los Angeles, California 90017
 20
 21
 22
 23 ALSO PRESENT: Alan Dias, Videographer
 24 Cyndi Wheeler, Apple, Inc.
 25

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1 MR. ZHANG: Patrick Zhang, Morrison &
 2 Foerster, for Apple.
 3 THE VIDEOGRAPHER: Will the court reporter
 4 please swear in the witness.
 5
 6 JONATHAN IVE,
 7 having been sworn as a witness
 8 by the Certified Shorthand Reporter,
 9 testified as follows:
 10
 11 THE VIDEOGRAPHER: You may proceed.
 12
 13 EXAMINATION BY MR. ZELLER
 14 MR. ZELLER: Q. Good morning.
 15 A. Good morning.
 16 Q. I understand you've had the pleasure of being
 17 deposed at least a couple of times before, but one, if
 18 I understand correctly, and tell me if -- if you
 19 recall this, was a case called Apple versus Future
 20 Power?
 21 A. Yes, I do recall.
 22 Q. All right.
 23 And generally speaking, that was about the
 24 iMac?
 25 A. Yes.

1 insofar as it's describing the iPhone?
 2 A I do agree with that statement.
 3 Q And is there anything about the external
 4 outward appearance of the hardware of the iPhone that,
 5 in your view, makes it more accessible, easier to use
 6 and -- and much less technically intimidating than --
 7 than previously available devices?
 8 MR. JACOBS: External -- objection; vague.
 9 THE WITNESS: Could you just repeat that.
 10 MR. ZELLER: Sure.
 11 If we can read it back, please.
 12 (Whereupon, record read by the Reporter as
 13 follows:
 14 "Q. And is there anything about the external
 15 outward appearance of the hardware of the
 16 iPhone that, in your view, makes it more
 17 accessible, easier to use and -- and much
 18 less technically intimidating than -- than
 19 previously available devices?")
 20 THE WITNESS: Yes, I believe there are
 21 aspects of its appearance that consequently, it has
 22 that effect and that result.
 23 MR. ZELLER: Q. And please tell me what, in
 24 your view, about the outward appearance, the external
 25 hardware of the -- the iPhone, makes it more

1 accessible, easier to use and -- and less technically
 2 intimidating.
 3 A I think something that is beautiful, that is
 4 simple, that's calm, that has clarity, from my
 5 experience, people are not intimidated by products
 6 that have that appearance. They don't perceive them
 7 to be complex and difficult to use because of the
 8 appearance of simplicity, of order, of calm. And I
 9 think products that are beautiful, people like to use.
 10 Q And you used the word "clarity." What do you
 11 mean by clarity in the context that we're talking
 12 about here; specifically, the -- this external
 13 appearance of the iPhone?
 14 A I think clarity comes with some -- some order
 15 and is consequent to -- to simplicity.
 16 Q And what do you mean by "simplicity" in this
 17 context as a -- as a designer?
 18 A That you are trying to communicate a
 19 hierarchy of what's important, and that you work to
 20 get rid of distractions.
 21 Q In the context of the -- the iPhone design,
 22 what would you consider to be distractions?
 23 MR. JACOBS: Objection; form.
 24 THE WITNESS: I -- I -- I don't really
 25 understand the question. I just said in the iPhone

1 design, we -- we try to make it simple.
 2 MR. ZELLER: Right. I understand.
 3 THE WITNESS: So --
 4 MR. ZELLER: And so --
 5 THE WITNESS: -- are you talking generally?
 6 MR. ZELLER: Yeah.
 7 Q And, of course, any time that I ask an
 8 unclear question, which will certainly happen today,
 9 just speak up, and I'm happy to rephrase it.
 10 A Yes.
 11 Q You mentioned that, yes, affirmatively what
 12 you were trying to do and -- and wanted to do as part
 13 of the iPhone design was to work to get rid of
 14 distractions, as you said.
 15 And -- and what I'm really trying to find out
 16 is, is that were there -- were there design components
 17 or elements that were at one point potentially part of
 18 the iPhone design that you considered to be a
 19 distraction and, therefore, eliminated it?
 20 A An example of a potential distraction could
 21 be fasteners that hold case parts together. The most
 22 typical fastener used in products of the iPhone scale
 23 would be a screw. So in many products you'll see
 24 multiple screw heads and holes.
 25 It is often believed that there is a

1 functional imperative to have screws. It certainly
 2 makes the product easier to design, easier to
 3 manufacture, normally cheaper.
 4 And so, for example -- this is just one -- we
 5 work very hard to try and develop architectures to
 6 develop a process and a method of assembly, a
 7 structural story, so that we don't have visible
 8 fasteners on the outside of the product.
 9 Q During the -- the course of the design and
 10 development of the iPhone itself, the first iPhone,
 11 were there any aspects of the design that you
 12 personally looked at and -- and said that was a
 13 distraction and, therefore, got rid of it?
 14 MR. JACOBS: Objection; form.
 15 THE WITNESS: I specifically recall working
 16 on the design and detailing of -- of screws. The
 17 process is so fluid and is a constant series of
 18 conversations that I know that I cannot specifically
 19 recall the many instances when we're talking about how
 20 to best create a -- a beautiful hierarchy for the
 21 product.
 22 MR. ZELLER: Q. Do you recall any iteration
 23 of the first iPhone design that Steve Jobs looked at
 24 and considered to be a distraction and told people he
 25 thought it was a distraction?

1 A We had -- Steve Jobs and I had multiple
2 conversations about the design of the first iPhone. I
3 don't recall a specific conversation where we were
4 talking about an element being a distraction, about an
5 element undermining the simplicity or the beauty of
6 the product, but I know that it would have been many.

7 Q When you use the word "distraction" here in
8 the context of the iPhone design, what do you mean
9 by -- a distraction from what?

10 A A distraction from the -- the bigger goals.

11 So, for example, one of the things that we
12 wanted to achieve was this flat face that was -- we
13 referred to it as an "infinity edge pool" or an "oily
14 pond." But with this aesthetic goal, that could be
15 undermined by certain features.

16 Q What features, in your view, could undermine
17 that besides screws that you've already told me about?

18 A You -- if you had multiple buttons on this
19 top flat surface, if you had certain audio features
20 detailed in a particular way, flashing LED lights,
21 lanyard anchor points, the FCC regulation artwork, the
22 serial number, barcodes.

23 I think there are lots of things that --
24 there are lots of elements, there are lots of details
25 that would make -- there is a pragmatic argument for

1 having them on that top surface, and they would have
2 undermined one of the -- the fundamental design goals
3 for the product.

4 Q And is that one of the reasons why the Apple
5 name or -- or logo doesn't appear on the -- the front
6 flat surface of the -- of the iPhones?

7 A No. I think that we had a -- certainly a
8 goal and a degree of confidence, based on our
9 experience with the iPod, that we actually didn't need
10 to put Apple graphics or the logo on the front surface
11 because we would be able to create an object that
12 would be so distinct and so new that that could become
13 synonymous with -- with Apple, with our brand. We
14 effectively achieved that with the -- the iPod.

15 Q In your view, would putting a -- a logo or a
16 company name on the front surface of a mobile device
17 of the type of design that you made for the iPhone be
18 undermined?

19 MR. JACOBS: Undermined?

20 THE WITNESS: Sorry. I didn't understand
21 that.

22 MR. ZELLER: Sure. I can put it back
23 together a different way.

24 THE WITNESS: Yeah.

25 MR. ZELLER: Q. You mentioned that the

1 design that you wanted to come up with, the -- for
2 the -- the first iPhone could be undermined by certain
3 features.

4 A Yes.

5 Q And you had mentioned among them putting,
6 say, for example, the FCC regulatory artwork or
7 barcodes or other matter on that front flat surface as
8 examples of something that could undermine the design
9 that you were going for.

10 A Yes.

11 Q And so my question is: Would you put in that
12 same category as other kinds of writing or other kind
13 of matter on the front flat surface that would
14 undermine that design to include a company name or
15 logo?

16 A I understand.

17 No. I would see the -- I think a logo -- a
18 company logo, I think, is in a very different category
19 from barcodes and regulatory icons.

20 Q And why do you say that?

21 A Because it's your brand. We use our logo in
22 many different contexts. I think it's a beautiful
23 logo.

24 So the decision not to include the logo or
25 the word "Apple" wasn't because we were concerned that

1 that would undermine our design story and intent and
2 goal. It's just that we were confident that the phone
3 we were developing was going to be distinct and
4 beautiful, would be -- be new, would be recognizable,
5 and like the iPod, would become synonymous with the
6 brand.

7 Q Why is it that the various versions of the
8 iPhones only have a -- a single button on the front
9 surface?

10 A We were very clear at the early stages, as I
11 described previously, that for -- for this idea of
12 this infinity edge pool, this -- this oily pond, to --
13 to actually work, there couldn't be multiple buttons
14 or features that would distract and make -- and
15 undermine that design goal.

16 And I do remember from some of the earliest
17 stages of working on the program that we -- that we
18 drew a simple circular button, and we tried to balance
19 that with a centered display, and then the rectangular
20 receiver slot with radio sensor at either end. So
21 we -- from the -- the earliest sketches, we -- we had
22 details like that, and that they did not seem to -- to
23 undermine the design intent.

24 I actually think the round -- the circular
25 button is really quite beautiful. It's concave. It

1 has a gentle -- a gentle, very large radius, concave
 2 section.
 3 Q From your perspective, is that design of
 4 the -- the single home button that we're talking about
 5 here on the front surface of the iPhone design, an
 6 important part of -- of the overall aesthetic of it?
 7 A It's a part of the aesthetic. I think
 8 it's -- it's not as important as, you know, this flat
 9 infinity edge pool. It's not as important, in my
 10 mind, as, you know, this thin, constant-sectioned
 11 bezel that just delicately wraps around the perimeter,
 12 remaining constant. But it's an element that is -- I
 13 think is beautiful and I think -- I think doesn't
 14 undermine the design intent at all.
 15 Q In your view, if the original iPhone looked
 16 exactly the same as it went to market, but it didn't
 17 have any button on the front flat surface, do you
 18 think that would make it a different design, in your
 19 view?
 20 MR. JACOBS: Objection; form.
 21 THE WITNESS: Can you -- could you repeat
 22 that, please.
 23 MR. ZELLER: Sure.
 24 Q If -- if the iPhone design --
 25 A Yes.

1 Q -- was exactly the same as it came out to
 2 market --
 3 A Right.
 4 Q -- with one -- one change, and that --
 5 A Yes.
 6 Q -- change was that there was no button on the
 7 front flat surface of the phone --
 8 A So no home button?
 9 Q Right. Exactly.
 10 If that were the -- the sole change, do you
 11 believe that it would be a different design, or do you
 12 think it would still be basically the same design,
 13 from your perspective?
 14 MR. JACOBS: Objection; form.
 15 THE WITNESS: Any change makes it a different
 16 design. I think we have to be careful about the way
 17 we're using the word "design." But technically, if
 18 you made that home button .3 of a millimeter smaller
 19 in diameter, it would be a different design, by
 20 definition.
 21 MR. ZELLER: Right.
 22 Q And I'm not talking about necessarily in the
 23 "by definition" sense. I'm talking about from your
 24 perspective, would the overall aesthetic of the phone
 25 be the same. So with that sense of it, let me

1 rephrase the question.
 2 In your view, would the overall aesthetic --
 3 A Yes.
 4 Q -- of the iPhone be any different if it
 5 didn't have that home button on the front flat
 6 surface?
 7 MR. JACOBS: Objection; form.
 8 THE WITNESS: It -- it would appear like a
 9 phone without a home button. I'm sorry. I'm
 10 struggling to -- it would be a different design.
 11 There would be a difference, the omission of a button.
 12 MR. ZELLER: Q. And in your view, that --
 13 would that change the overall feeling of it from a
 14 design perspective, or the overall aesthetic?
 15 Or do you consider this -- this home button
 16 to be such that it could be there, it could not be,
 17 and it doesn't really affect the overall feeling of
 18 the design?
 19 MR. JACOBS: Objection; form.
 20 THE WITNESS: I think the -- the home button
 21 is a -- a really nice button that we spent a long time
 22 designing and working on.
 23 I think that it's -- as an individual design
 24 element, it's not as important as other elements. For
 25 example, the flat display, the display that is

1 centered on this flat face, the clear material going
 2 up to the -- you know, the perimeter of the product, I
 3 think that is a very important element in determining
 4 the overall feel.
 5 I think the button is -- is a nice button,
 6 but I don't think it's as important as the material I
 7 just mentioned in the nature of the front face.
 8 MR. ZELLER: Q. You mentioned another design
 9 element was the thin, delicate bezel that's a
 10 constant, I think was the word that you used?
 11 A That has a constant section, yes.
 12 Q What do you mean by "a constant" in this --
 13 in this context?
 14 A So a constant section -- when I refer to a
 15 section, that is as if you had -- you had chopped it,
 16 and the section describes what you would see if you
 17 had sort of chopped it in half.
 18 And so when I say that it's constant in
 19 section, it's that the -- then that does not change.
 20 So as it -- as it hugs the -- the perimeter of the
 21 clear material, it remains constant.
 22 Q Okay. So it has the appearance of being even
 23 all the way around?
 24 A From a -- from a plane view, from a front
 25 view, it does.

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1 Christopher Stringer in Support of Apple's Motion for
 2 a Preliminary Injunction."
 3 And while you're free to look at as much of
 4 this document as you'd like, I actually have a picture
 5 that I'm interested in showing you that's an
 6 attachment to this.
 7 You, of course, know Mr. Stringer?
 8 A Oh, I do.
 9 Q He's someone you work with?
 10 A Yes.
 11 Q And so if you'd please take a look at what is
 12 identified here in this document as Stringer
 13 Exhibit 1. And then you'll see the next page is a --
 14 is an actual CAD drawing.
 15 A Yes.
 16 Q First of all, have you seen this CAD drawing
 17 before?
 18 A Do you mean the printout of the -- so this is
 19 a printout of a CAD database, so I'm -- I'm -- I would
 20 have seen the -- the actual CAD database, live and
 21 alias. I don't recall seeing printouts of this. I
 22 may have done. I don't recall that.
 23 Q At least in terms of how it's printed out
 24 here as Exhibit 1 to Mr. Stringer's declaration, you
 25 generally recognize it as a -- as a printout of a CAD

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1 A Yes, I do.
 2 Q And what were the reasons why the design
 3 that's shown here in -- in Exhibit 1 was rejected?
 4 A I remember -- I don't have complete
 5 recollection of discussions with Steve and the team.
 6 I have a recollection that Steve thought it was ugly.
 7 It was refined, and we had spent -- we had
 8 some fairly detailed models that were made. So the
 9 discussions were around models, not the -- the CAD.
 10 And I think that we collectively felt that we could
 11 make something more beautiful than this.
 12 Q Focusing on the design that's shown here as
 13 part of Exhibit 1 to Mr. Stringer's declaration, do
 14 you believe that this -- this design here distracts in
 15 any way from the display?
 16 A No. I think this design -- no.
 17 Q Was the fact that it had these edges on the
 18 front surface around the -- the display, in other
 19 words, part of the metal surface, actually was on the
 20 front surface, one of the reasons it was rejected?
 21 A No.
 22 Q Was that --
 23 A Not that I recall.
 24 Q Was there ever any discussions there within
 25 Apple about the -- the fact that this design that's

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1 design that --
 2 A Yes.
 3 Q -- you did see previously?
 4 A Yes.
 5 Q And do you generally recognize what's
 6 depicted here as a printout of a -- a CAD design that
 7 was -- was generated in connection with the first
 8 iPhone?
 9 A Yes, I recognize this as the design -- one
 10 of -- one of many, but the design that I drew the
 11 section for you.
 12 Q And for the record, you're referring to
 13 the -- the drawing that you made that we marked as
 14 Exhibit 1176?
 15 A So, for example, you can see that on the --
 16 the second page.
 17 Q And when you say "the second page," you're
 18 referring to the second page of images that's part of
 19 Exhibit 1 that we're talking about?
 20 A That's right.
 21 Q And, generally speaking, do you recognize
 22 this design that's shown here in the CAD printout
 23 that's Exhibit 1 to Mr. Stringer's declaration as
 24 being one of the designs that was -- was considered
 25 but ultimately rejected for the original iPhone?

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1 shown here in Exhibit 1 had a rim or -- or metal on
 2 the front surface that distracted from the display?
 3 A No. My recollection of the -- the discussion
 4 relating to this was just that it -- it wasn't truly
 5 beautiful.
 6 You see, the -- the clear material was
 7 coplanar with -- with the shell, with the body. What
 8 I mean by that, it was a continued -- continuous
 9 surface.
 10 And so this design, I think, very
 11 successfully -- very successfully featured the
 12 display. It has equal borders on the forehead and the
 13 chin. It has equal -- that the distance is -- is the
 14 same on both the right- and left-hand side. The clear
 15 material was -- I actually remember quite specifically
 16 just the detail of the junction between the clear
 17 material and the other aluminum.
 18 And so I think this design was really --
 19 really quite successful in -- in establishing a
 20 hierarchy where the display was visually distinct and
 21 special, but I remember that we just didn't think that
 22 it was -- was beautiful. We thought we could do
 23 better.
 24 Q Any other reasons you can recall this -- this
 25 design being rejected?

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<p>1 A No. What I recall was, I recall the word 2 "ugly," and I recall the sentiment that we could do 3 better, that we could make a more beautiful, a more 4 distinctive phone. 5 Q Any other reasons you can remember? 6 A That's my recollection. 7 Q If you can please take a look at the page 3 8 in Mr. Stringer's declaration, which is Exhibit 1161. 9 You'll see in paragraph 10 he's talking here 10 about the development of the -- the first iPhone, and 11 he says: 12 "In fact, as late as March 2006, the 13 industrial design team was working on a detailed 14 proposal for a very different iPhone design." 15 Do you see that language? 16 A Yes, in paragraph 10. 17 Q Right. 18 And then it continues on in paragraph 11 19 where he's discussing the exhibits, including the 20 exhibit that we just talked about, and he says: 21 "Attached as Exhibits 1 through 6 are CAD 22 renderings of some of the alternate iPhone designs we 23 pursued and considered during the development process 24 for the iPhone." 25 Do you see that part?</p>	<p>1 A Yes. 2 Q And then in paragraph 12, he's talking 3 specifically about Exhibit 1, and he says: 4 "For example, with reference to Exhibit 1, 5 this alternative iPhone design differed significantly 6 from the commercialized iPhone design in that" -- 7 And then he -- then he has four points; do 8 you see that? 9 A Yes. 10 Q It -- from your perspective, do you believe 11 that the design that's shown here in Exhibit 1 in 12 these CAD renderings is a significantly different 13 design from the design of the -- the iPhone that was 14 actually sold to market? 15 A Yes, I believe that the -- the industrial 16 design is significantly different. 17 So we're talking about what the -- you know, 18 the images that we've been looking at? 19 Q Correct. 20 A Yes. 21 Q Comparing Exhibit 1 to what was actually -- 22 A Yes. 23 Q -- released to market. 24 And you'll see here that Mr. Stringer 25 identifies four particular reasons why he believes</p>
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<p>1 that it's a significantly different design when you 2 compare Exhibit 1, these CAD renderings, to the -- the 3 version of the iPhone that was actually released? 4 A Right. 5 Q And one point that he mentions is is that it 6 didn't include a thin continuous bezel around the 7 front surface. Second point he mentions is that it 8 had a smaller speaker opening. Third, he mentions it 9 had a front surface that was not completely flat. 10 A Yes. 11 Q And then the fourth point he mentions is that 12 it had corners that were not rounded from the front 13 view? 14 A Yes. 15 Q Do you see that? 16 A Yes. 17 Q Do you agree that these are reasons why the 18 design that's shown in Exhibit 1 is significantly 19 different from the industrial design of the iPhone as 20 it actually went to market? 21 A Yes, I think this is some of the reasons why. 22 I think if I start -- studied it for longer, there may 23 be more. 24 Q Well, and that's what was going to be my next 25 question is, is based on having looked at the design</p>	<p>1 that's shown in Exhibit 1 to Mr. Stringer's 2 declaration -- 3 A Yes. 4 Q -- are there other aspects of the design, 5 when you compare it to the final version of the 6 original iPhone as it actually went to market, that 7 you would point to to say why you think that they are 8 significantly different designs? 9 A To answer that properly -- I mean, there may 10 be. But to answer that properly, I would like the 11 model and be able to do, you know, a side-by-side 12 comparison between the product that we did 13 commercialize and -- and this model. 14 But I agree with those four points. Based on 15 the printout of the CAD that I have here, I agree with 16 those four points. There may well be additional 17 points, but I would -- to -- to answer your question 18 properly, I would need to look at the object. 19 Q Okay. I think I understand. 20 So you want to take a few minutes? 21 MR. JACOBS: Do you want to take lunch? 22 MR. ZELLER: Okay. Sure. 23 MR. JACOBS: What's your -- are you planning 24 that we -- our lunch is here? 25 MS. NEILL: I think so, yeah.</p>

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<p>1 on CAD drawings, and we wouldn't need to spend so much 2 time or money or resources making models. 3 Q And so we have a -- again, an articulation of 4 this, for the record, what you don't feel qualified to 5 do is compare just the drawings between the 6 '777 design patent and just the drawings in the 7 '889 design patent without reference to models and the 8 like? 9 A No, that's not what I said. 10 I am comfortable making comparisons 11 between '777 and '889. I can make over -- I can make 12 comparisons between design elements, make -- make 13 comparisons between discrete elements. I feel comfortable being 14 able to do that. 15 But your question was a question that 16 requires some conclusions -- some fundamental 17 conclusions for making those elemental comparisons. 18 And my expertise doesn't extend to being able to do 19 that without being able to make a model or what is 20 described in '889. 21 So I'm comfortable making comparisons between 22 them, but not making the conclusion that you're asking 23 me to make. 24 Q And that conclusion being whether or not the 25 similarities outweigh the differences or not?</p>	<p>1 A That's right. 2 Q Got it. 3 MR. JACOBS: Can we take a couple of minutes? 4 MR. ZELLER: Sure. 5 THE VIDEOGRAPHER: One moment, please. 6 We're off the record at 8:26 p.m. 7 THE REPORTER: 6:28. 8 (Recess taken.) 9 THE VIDEOGRAPHER: We are back on the record 10 at 6:36 p.m. 11 You may proceed. 12 MR. ZELLER: Q. Sequentially, was the idea 13 for having an oily pond or infinity edge pool as the 14 design done first for the tablet, or the phone, or the 15 iPod Touch? 16 A Well, as an idea, that -- that is a -- as a 17 thought, as a story, the first explorations of that, I 18 think, occurred with the -- the first explorations 19 associated with the iPad. 20 I can't remember when. I wouldn't begin to 21 know when I could put a date on that, but I think 22 that's something that we found significant and 23 beautiful and had a particular relevance to handheld 24 products that featured a display and that was combined 25 with touch sensors and multi-touch technology.</p>
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<p>1 So I think we -- we started exploring designs 2 around that story really fairly early on. 3 Q All right. 4 And sequentially that was first with the 5 tablet design? 6 A Yes; I think that -- my recollection was 7 that's the first time that we were working on a 8 handheld design that had this multi-touch capability 9 that allowed you to touch it with your finger, so I 10 think that was really the first time we explored 11 designs as part of that story. 12 Q And then sequentially, as part of the -- the 13 story that we're talking about, the oily pond or the 14 infinity -- 15 A Yes. 16 Q -- pool, was next the iPod Touch or the 17 iPhone? 18 A It would have been whatever product came -- 19 came next. 20 Q Do you remember which one that was? 21 A I'm afraid I don't. 22 Q And, in your view, was this design story or 23 design goal of an oily pond or infinity edge pool met 24 with the iPad and iPad 2 designs? 25 A I think they are examples that reflect that</p>	<p>1 thinking. 2 Q Did it -- in your view, did those designs 3 fall short of that goal in any way of this -- this 4 oily pond or this infinity edge pool story? 5 A I don't know if I would say they -- they fell 6 short. I think they are reflections of the goals that 7 we set ourselves and the interests that we -- we had 8 in trying to create a beautiful product that -- that 9 featured this clear material that extended to the 10 edge, extended to the perimeter of the product. 11 So I think they were reflections of that 12 thinking that we were happy with. 13 Q And -- and focusing just on this, this fact 14 of the oily pond or the infinity edge pool, one aspect 15 of the design that you mentioned achieving that goal 16 is the fact that the front surface of these electronic 17 devices that we're talking about has a flat, 18 continuous surface on the front. 19 A Yes, that was an aspect of that exploration, 20 that discussion, that story. 21 Q What else, in your view, achieves that 22 effect, specifically of the oily pond or the infinity 23 edge pool effect, beyond, as we just talked about, 24 the -- the continuous flat surface? 25 A So what we were interested in was that flat</p>

1 the -- the reasons?
 2 A Yes. My -- my recollection was -- what I
 3 recall clearly is that it wasn't so beautiful, and
 4 there may be other, other reasons, but that was by far
 5 the most important.
 6 Q Right.
 7 You keep on saying it was the most apparent.
 8 What I'm trying to make sure is -- is that I have your
 9 clear, complete memory in terms of what you do
 10 remember, whether it was --
 11 A Right.
 12 Q -- important or not.
 13 A I don't remember any of the other
 14 considerations other than those that I just described.
 15 Q Do you recall whether there were any
 16 engineering or manufacturing advantages or any use
 17 advantages to having a symmetrical presentation of the
 18 display screen with the phones?
 19 A No. I think almost exclusively the
 20 consequences of centering the display provided
 21 engineering challenges, cost challenges, manufacturing
 22 challenges, and potentially use challenges.
 23 I don't remember anything other than the --
 24 all of the consequences of having a display centered,
 25 all of the consequences that I remember were

1 challenges and were -- were perceived as negative in
 2 that sense.
 3 Q Apart from what you recall actually being
 4 discussed, based on all the information that you have
 5 available to you and all the way up until today, can
 6 you think of any use advantages to having a
 7 symmetrical presentation of a display screen on a
 8 mobile device?
 9 A Could you -- sorry. Could you repeat that
 10 question?
 11 Q Sure.
 12 We talked about what your memory was of the
 13 reasons and the discussions --
 14 A Yes.
 15 Q -- and the likes about the symmetrical
 16 presentation. So now I'm trying to make it a broader
 17 question.
 18 A Right.
 19 Q Based on all of the information that you have
 20 available to you --
 21 A Yes.
 22 Q -- including up until today --
 23 A Yes.
 24 Q -- so this is just more than what you
 25 remember --

1 A Right. I see.
 2 Q -- do you have any -- any knowledge or
 3 information as to whether or not there are any use
 4 advantages in having a symmetrical presentation of a
 5 display with a mobile device?
 6 A No. Based on my experience, based on what I
 7 know today, I would only continue to be aware of the
 8 functional -- the manufacturing, the engineering, the
 9 multiple aspects of the engineering challenges as a
 10 result of -- of having the -- the display centered.
 11 Q Can you -- can you think of any engineering
 12 advantages or utilitarian advantages at all to having
 13 the symmetrical presentation?
 14 MR. JACOBS: Objection; asked and answered.
 15 THE WITNESS: The -- the advantage that I can
 16 think of, I -- I can answer that generally. The
 17 advantage I could -- you know, I thought of during the
 18 development was that it was beautiful. That was the
 19 advantage I remember. That's the advantage I'm aware
 20 of now.
 21 MR. ZELLER: Q. Any others?
 22 A That it was beautiful and I think enabled
 23 the -- the story that we were so interested in in
 24 terms of this, this infinity edge pool, this black
 25 oily pond.

1 Q In your view, is having the symmetrical
 2 presentation of the display screen on a mobile device
 3 in any way helpful to the usability of the product?
 4 MR. JACOBS: Objection; vague.
 5 THE WITNESS: Can you be more specific about
 6 your understanding of the word "usability"?
 7 MR. ZELLER: Q. Well, you recall in the
 8 context of Apple's amended complaint there was
 9 language that talked about ease of use of the device?
 10 Do you recall that?
 11 A No, I don't recall that.
 12 Q We can go back to the amended complaint that
 13 you -- you have there.
 14 A Which one is that?
 15 Q For the record, that is --
 16 A Okay.
 17 Q -- Exhibit 287.
 18 Directing your attention to page ten, or this
 19 is in paragraph 34 that we talked about before, and it
 20 says "The end result is an elegant product that is
 21 more accessible, easier to use and much less
 22 technically intimidating than previous available
 23 smartphones and PDAs."
 24 Do you see that language?
 25 A So paragraph 34, the end result...

1 THE WITNESS: Thanks very much.
 2 THE VIDEOGRAPHER: This is the end of today's
 3 deposition. We are off the record at 7:21 p.m.
 4 The master disc will be held by TSG
 5 reporting. Thank you.
 6 (WHEREUPON, the deposition ended at
 7 7:21 p.m.)
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1 J U R A T
 2
 3
 4 I, JONATHAN IVE, do hereby certify
 5 under penalty of perjury that I have read the
 6 foregoing transcript of my deposition taken
 7 on December 1, 2011; that I have made such
 8 corrections as appear noted herein in ink,
 9 initialed by me; that my testimony as
 10 contained herein, as corrected, is true and
 11 correct.
 12
 13
 14 DATED this ____ day of _____, 2011,
 15 at _____, California.
 16
 17
 18
 19 _____
 20 SIGNATURE OF WITNESS
 21
 22
 23
 24
 25

1 CERTIFICATE OF REPORTER
 2
 3
 4 I, ANDREA M. IGNACIO HOWARD, hereby certify
 5 that the witness in the foregoing deposition was by me
 6 duly sworn to tell the truth, the whole truth, and
 7 nothing but the truth in the within-entitled cause;
 8
 9 That said deposition was taken in shorthand
 10 by me, a Certified Shorthand Reporter of the State of
 11 California, and was thereafter transcribed into
 12 typewriting, and that the foregoing transcript
 13 constitutes a full, true and correct report of said
 14 deposition and of the proceedings which took place;
 15
 16 That I am a disinterested person to the said
 17 action.
 18
 19 IN WITNESS WHEREOF, I have hereunto set my
 20 hand this 2nd day of December, 2011.
 21
 22 _____
 23 ANDREA M. IGNACIO HOWARD, RPR, CCRR, CLR, CSR No. 9830
 24
 25

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1 I N D E X
 2
 3 DEPOSITION OF JONATHAN IVE
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 8
 9
 10 E X H I B I T S
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 12 Exhibit 1176 Sketch; 1 pg. 61
 13 Exhibit 1177 Excerpts of Biography of Steve 72
 14 Jobs; 25 pgs.
 15 Exhibit 1178 Diagram w/ 1 sketch ; 1 pg. 112
 16 Exhibit 1179 Diagram w/ 3 sketches; 1 pg. 114
 17 Exhibit 1180 iPhone 123
 18 Exhibit 1181 iPhone 3GS 124
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 20 Exhibit 1183 iPhone 4S 125
 21 Exhibit 1184 HTC EVO 4G 133
 22 Exhibit 1185 Thermal Analysis of Different 172
 23 Cooling Configurations, Bates
 24 Nos. APLNDC00011076 - '90;
 25 15 pgs.