

Exhibit 13  
(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.  
11cv01846-LHK

7 v.

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 limited  
14 liability company,

15 Defendants.

16 \_\_\_\_\_  
17 SAMSUNG ELECTRONICS, CO., LTD.,  
18 a Korean business entity;  
19 SAMSUNG ELECTRONICS AMERICA,  
20 INC., a New York corporation;  
21 SAMSUNG TELECOMMUNICATIONS  
22 AMERICA, LLC, a Delaware limited  
23 liability company,

24 Counterclaim-Plaintiffs,

25 v.  
APPLE, INC., a California  
corporation,

Counterclaim-Defendant.

\*\*\* HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY \*\*\*

VIDEOTAPED PERSONAL DEPOSITION OF:  
MINHYOUK LEE

March 2, 2012  
Kim & Chang  
Seoul, South Korea  
9:03 A.M. - 3:47 P.M.

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1 We understand the court reporter is not  
 2 authorized to administer oaths in this venue.  
 3 Nevertheless we request that he administer the oath and we  
 4 stipulate that we waive any objection to the validity of  
 5 the deposition based on the oaths.  
 6 THE REPORTER: Counsel, agreed?  
 7 MR. ZELLER: It is.  
 8 THE VIDEOGRAPHER: Our court reporter, Mike  
 9 Miller of American Realtime Court Reporters Asia, will now  
 10 swear in the interpreters and the witness, and we shall  
 11 proceed.  
 12 (Interpreters sworn.)  
 13 MINHYOUK LEE,  
 14 having been duly sworn, testified as follows:  
 15 EXAMINATION  
 16 BY MR. STERN:  
 17 Q. Good morning, sir. Could you please state your  
 18 name for the record?  
 19 A. My name is MinHyouk Lee.  
 20 LEAD INTERPRETER: M-I-N-H-Y-O-U-K, L-E-E.  
 21 BY MR. STERN:  
 22 Q. By whom are you employed, Mr. Lee?  
 23 A. My employer?  
 24 Q. Yes.  
 25 A. Samsung Electronics Co. Is that what you're

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1 A. My current position, December 2010.  
 2 Q. So do I understand correctly that since  
 3 December 2010 you have been vice president of the Mobile  
 4 Communications Team?  
 5 A. That is correct.  
 6 CHECK INTERPRETER: "Yes."  
 7 BY MR. STERN:  
 8 Q. Has your title changed since December 2010?  
 9 A. No.  
 10 (MH Lee Deposition Exhibit 2105 marked.)  
 11 BY MR. STERN:  
 12 Q. I'm going to ask the court reporter to mark as  
 13 Exhibit 2105 a document, which I'll ask you to take a look  
 14 at, Mr. Lee. It's a document which bears Bates number  
 15 S-ITC-003006128.  
 16 Mr. Lee, do you see your name on Exhibit 2105?  
 17 A. Yes.  
 18 Q. And does this document accurately reflect your  
 19 current title and position within Samsung Electronics?  
 20 A. Title and position, I believe are the same  
 21 thing, and this is a list of the team members I had that I  
 22 led last year.  
 23 CHECK INTERPRETER: Excuse me. "Title and  
 24 position I believe are the same, and this is the list of  
 25 the team organizations I was a part of at last year."

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1 asking? I don't understand exactly when you say  
 2 "employer." Are you asking about the group or the  
 3 representative? I'm confused.  
 4 Q. By what particular entity of Samsung  
 5 Corporation are you employed?  
 6 A. Samsung Electronics Company.  
 7 Q. And what's your current title at Samsung  
 8 Electronics?  
 9 A. I am a vice president.  
 10 Q. Vice president of what, Mr. Lee?  
 11 A. Mobile Communications Division, Design Team.  
 12 I'm the vice president there, MinHyouk Lee.  
 13 Q. And in that position, you are currently a  
 14 member of the Design Group; is that correct?  
 15 A. That is correct.  
 16 Q. And within the Design Group, are you a member  
 17 of any other particular subgroup or organization?  
 18 A. Based on the design team, are you asking of a  
 19 department above that design team, or below that design  
 20 team? Could you clarify, please?  
 21 Q. I'm asking you what portion of the Design Group  
 22 are you a member of.  
 23 A. Oh, within the design team, I'm part of the  
 24 product design team.  
 25 Q. When did you assume your current position?

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1 MR. STERN: Understood.  
 2 BY MR. STERN:  
 3 Q. Mr. Lee, prior to December 2010, what was your  
 4 title at Samsung Electronics?  
 5 (A discussion was had off the record between  
 6 Lead Interpreter and Check Interpreter in Korean.)  
 7 A. Before December 2010, I was a principal.  
 8 CHECK INTERPRETER: "Principal engineer."  
 9 LEAD INTERPRETER: I stand by her rendition.  
 10 BY MR. STERN:  
 11 Q. And as principal engineer prior to  
 12 December 2010, what portion of the Design Group were you a  
 13 member of?  
 14 A. I think it's designer or principal designer.  
 15 I was a unit leader of the IDC.  
 16 CHECK INTERPRETER: "Group."  
 17 BY MR. STERN:  
 18 Q. The IDC is the ID Cluster; is that correct?  
 19 A. That is correct.  
 20 Q. Okay. Exhibit 2105 lists you as director of  
 21 the ID Cluster. Do you see that?  
 22 A. Yes, I see that. It says "part leader." I  
 23 think there's a little bit of a confusion, but it's part  
 24 leader.  
 25 CHECK INTERPRETER: "I think there's a little

Page 18

1 design alone.

2 CHECK INTERPRETER: "Yes, I find it vague

3 myself. Design is not about only one aspect. The design

4 has all different aspects involved, and all these come

5 together to become a product. And there are design

6 engineers who get involved, and maybe one find the design

7 to be a part of it, so -- another one may not, so I don't

8 think you can really make any decision or determination

9 just based on that alone, and I found it vague."

10 BY MR. STERN:

11 Q. In the paragraph that we've been looking at,

12 the third bullet point in the middle of page 10251327,

13 Mr. Lee, do you see a reference to "emotion"?

14 A. Yes.

15 Q. When you were designing the Galaxy S, did you

16 try to create a product that would have emotional appeal

17 for customers?

18 A. Now, it says here in the paragraph "based on

19 emotional CMF." That is what we're referring to here. If

20 you look at the back end, there's new technologies in

21 regards with CMF that we're introducing. This is going to

22 bring about new emotions. Basically, CMF stands for

23 color, material, finishing.

24 Q. In general as a designer, do you believe it's

25 important to design products that will have an emotional

Page 20

1 that have emotional appeal for as many people as possible?

2 MR. ZELLER: Assumes facts, vague, overbroad.

3 A. As I repetitively say, Samsung is a company

4 that mass produces, and we cannot just focus on emotional

5 appeal alone. Good manufacturing, that's a guideline for

6 design as well you see. So just one aspect, we talk about

7 did you design towards this or not, I cannot say.

8 CHECK INTERPRETER: Interjection: "As I

9 repeatedly say, there are many different elements in the

10 design, and Samsung is a company that does mass

11 production, and designers cannot really focus in on

12 emotional appeal only. The mass production and thorough

13 guideline thereof is an important element, so you cannot

14 really make a judgment based on that alone."

15 BY MR. STERN:

16 Q. Directing your attention to page 6 of this

17 document, Mr. Lee, with the Bates sequence ending in 333,

18 you see here a number of products listed. Can you explain

19 to me, please, the relationship between these various

20 products?

21 MR. ZELLER: The question is overbroad and

22 vague.

23 A. It's talking about the Galaxy S, yes. The

24 Galaxy S.

25 BY MR. STERN:

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1 appeal to customers?

2 MR. ZELLER: The question is vague, overbroad.

3 A. Yes, I also feel that is the case. To give you

4 an example, the first Ford T Model vehicle, whether it's

5 beautiful or not, we can't say; but it has historic

6 meaning, and that is because it was the first ever vehicle

7 to be mass produced.

8 When you evaluate design elements, you cannot

9 just focus on this one part or ask questions that are too

10 broad. With that alone, we could talk for several days

11 and sort of just focus on one aspect for it to be too

12 broad. I can't answer.

13 BY MR. STERN:

14 Q. I understand that different people may find the

15 same object beautiful or not beautiful. However, when you

16 design a cell phone product, how do you try to design it

17 so that it has emotional appeal for as many people as

18 possible?

19 MR. ZELLER: Assumes facts, it's vague,

20 overbroad.

21 A. Your question was too long. I'm sorry, could

22 you ask it again?

23 BY MR. STERN:

24 Q. Sure.

25 How do you try to design cell phone products

Page 21

1 Q. Are all of the products listed on this page

2 variants of the Galaxy S design?

3 A. Yes, Galaxy S products.

4 Q. Do I understand that all of the products listed

5 on this page derive from a common Galaxy S design?

6 A. It was not derived from the design, but from

7 the platform.

8 Q. Do all the products listed on this page share a

9 common original design?

10 MR. ZELLER: The question is vague.

11 A. Yes, I believe so as well.

12 BY MR. STERN:

13 Q. Directing your attention to the page ending in

14 Bates number 335 --

15 MR. ZELLER: Just for the record, I think he's

16 saying that he agrees with me that the question is vague.

17 I don't think he's agreeing with the question just so we

18 have a clear record.

19 CHECK INTERPRETER: Yes.

20 MR. STERN: Okay. Let me back up then.

21 BY MR. STERN:

22 Q. Once more, with respect to page ending 333,

23 Mr. Lee, am I correct that you and your team designed a

24 product called the Galaxy S?

25 A. My team and also another team was also there,

Page 22

1 yeah.

2 Q. And was that Galaxy S design used to

3 manufacture various cell phone products that were sold in

4 various countries throughout the world?

5 CHECK INTERPRETER: Correction.

6 (A discussion was had off the record between

7 Lead Interpreter and Check Interpreter in Korean.)

8 MR. ZELLER: The question is vague.

9 A. It's hard for me to exactly understand your

10 question regarding that.

11 BY MR. STERN:

12 Q. This page lists a number of different products

13 under various product names, such as Captivate, Fascinate,

14 Vibrant and so on. Are all the products listed on this

15 page based on the Galaxy S design?

16 A. It is based on the Galaxy S platform.

17 CHECK INTERPRETER: I think it's actually:

18 "Rather, they are based on the Galaxy S platform."

19 BY MR. STERN:

20 Q. Directing your attention to Bates page ending

21 335, Mr. Lee, you see in the middle of the page, there is

22 a reference to an article from the Financial Times that

23 says, "Hopeful Samsung wheels out a would-be iPhone

24 killer."

25 A. Yes, I see that.

Page 24

1 method -- a one-level progressed method of expression with

2 metallic coating and laser manufacturing, we have realized

3 a pattern with depth, and from a simply superficial

4 feeling, we have expressed a progressed mystique feeling."

5 CHECK INTERPRETER: I'd like to note that the

6 main interpreter was asked to provide a side translation

7 impromptu. As to the actual quality of the translation,

8 it will have to be -- undergo further proof work.

9 MR. STERN: Sure.

10 BY MR. STERN:

11 Q. Mr. Lee, do you see in the passage that you

12 just read, there's a reference to expression of a mystic

13 feeling in the phone?

14 A. That is correct.

15 Q. Does that accurately reflect one thing that you

16 were trying to achieve in the design of the Galaxy S?

17 A. This one -- this one as well, to explain this,

18 when we say the laser manufacturing, this is talking about

19 the surface of the battery. To easily explain, we have

20 transparent plastic, plastic transparent materials, and

21 then it's first coated, on the back side it's sprayed, and

22 then if you add laser to that, instead of getting black

23 and white, a simple black and white, you get a

24 multilayered kind of texture.

25 Is it too difficult? Do you want me to break

Page 23

1 Q. Was the Galaxy S designed to compete with the

2 iPhone?

3 A. That is not the case.

4 (MH Lee Deposition Exhibit 2107 marked.)

5 BY MR. STERN:

6 Q. You've been handed a one-page document that's

7 marked as Exhibit 2107, Mr. Lee. It has Bates number

8 SAMNDCA10763590. What is this document, Mr. Lee?

9 A. It is a recommendation for 2010 iF Product

10 Design Awards.

11 Q. Do you see your name listed as one of the

12 designers on this document for the Galaxy S?

13 A. Yes.

14 Q. In the section that is labeled "Concept

15 Summary," about three-quarters of the way down the page,

16 please take a look at that section, if you would.

17 (Witness reviews document.)

18 BY MR. STERN:

19 Q. Could I ask you to please read the paragraph

20 that is next to the phrase "Concept Summary"?

21 A. "Instead of dividing the design into several

22 partings, we wanted to express a single structure,

23 structural sense. From 2-D pattern, Haptic, in the

24 parentheses, that is, 3-D pattern, that we -- this kind of

25 continuous progression through that, this is a progressed

Page 25

1 it up?

2 So if it's not just a simple white and black

3 and has multilayers of color and it has that kind of a

4 feeling, that's what I would express as a mystique

5 feeling.

6 Q. Do you remember receiving this award, Mr. Lee?

7 A. Yes.

8 Q. And this document reflects the award that you

9 received?

10 MR. ZELLER: The question is vague.

11 A. This is the recommendation template.

12 BY MR. STERN:

13 Q. But the template was submitted on behalf of

14 your design team to receive the award; is that correct?

15 A. This is not the team. I personally did this

16 design, so it's my design, you see. And working together,

17 there's other ancillary work that has to be taken care of

18 when doing this. That's why you see the name of another

19 designer.

20 CHECK INTERPRETER: Just one minor correction:

21 "This is not for the team."

22 THE WITNESS: Have we been going on for an

23 hour?

24 MR. STERN: Sure. Should we take a break?

25 THE WITNESS: I have to take a restroom break.

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1 to a massive production or they could not. Or sometimes  
 2 the creativity plays a bigger role with a designer or  
 3 sometime it doesn't.  
 4 "So when it comes to archetype design, in  
 5 overall design aspect of it, setting aside what is  
 6 presented here, archetype design encompasses many  
 7 different events and many different experiences for the  
 8 designers."  
 9 A. So archetype design should not be limited in  
 10 any way, you see? It could be designers traveling or  
 11 taking trips all over the world, for instance, Egypt,  
 12 Vietnam, France, the United Kingdom. That could be  
 13 archetype design, and it's basically having a new  
 14 experience, understanding cultures. That is a part of  
 15 design.  
 16 And also, for instance, technology could be  
 17 included. Regional characteristics are also a part of  
 18 that. In a sense design, all of the aspects in design in  
 19 general, overall, is what it is.  
 20 BY MR. STERN:  
 21 Q. Was the design for the Galaxy S based on any  
 22 particular archetype design at Samsung?  
 23 MR. ZELLER: The question is vague as to  
 24 "archetype design."  
 25 A. Well, to talk about my experience, and not just

Page 36

1 BY MR. STERN:  
 2 Q. Are you able to identify for me a point in time  
 3 at which the design process for the Galaxy S began?  
 4 A. Although I don't remember the exact date in  
 5 2009 regarding the hardware specs for design, I think I  
 6 received that in September 2009, yeah.  
 7 CHECK INTERPRETER: "Or thereabouts."  
 8 A. So I cannot accurately recall, I don't remember  
 9 accurately, see, and the reason for that is because I do  
 10 several projects at the same time. And when I was working  
 11 on the Galaxy S, concurrently I was working on other  
 12 projects, and so exactly when I -- it was -- I was  
 13 involved, the exact date, I cannot really tell you.  
 14 BY MR. STERN:  
 15 Q. What was the nature of the hardware  
 16 specifications that you testified to receiving in  
 17 September 2009?  
 18 MR. ZELLER: Misstates the witness' testimony.  
 19 A. Hardware specs? Hmm. Much earlier than the  
 20 Galaxy S, my understanding is that there has been  
 21 discussions about the hardware.  
 22 CHECK INTERPRETER: "Hardware specs? Hmm.  
 23 Receiving hardware spec? Hmm. Much earlier than the  
 24 design of the Galaxy S, my understanding is that there had  
 25 been hardware-related discussions."

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1 pertaining to the Galaxy S. I mean, I started to draw  
 2 when I was three years old, and in university, I majored  
 3 and studied in automotive design, product design. I've  
 4 been designing automobiles for five years, and now at  
 5 Samsung it's been ten years doing design work.  
 6 And that's just a part of my life, all of the  
 7 experiences that I have, that I have accumulated within  
 8 me, you know, that is what it is. Ten -- everything that  
 9 I've seen ten years ago, yesterday, based on my experience  
 10 is where it comes out, not some particular archetype  
 11 design.  
 12 CHECK INTERPRETER: "So it's difficult to say  
 13 what it's based on. I think it's rather vague and  
 14 difficult to express it that way."  
 15 BY MR. STERN:  
 16 Q. Okay. Mr. Lee, were you the lead designer for  
 17 the Galaxy S?  
 18 A. Yes.  
 19 Q. How did the design process for the Galaxy S  
 20 begin?  
 21 MR. ZELLER: The question is overbroad.  
 22 A. The beginning of the Galaxy S, it's hard to  
 23 really pinpoint that, where it started in terms of whether  
 24 it spurred out of design, hardware, product, planning, and  
 25 so forth. So it's really hard to pinpoint that.

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1 BY MR. STERN:  
 2 Q. What's the first concrete step that you  
 3 remember taking in regard to the design of the Galaxy S?  
 4 (A discussion was had off the record between  
 5 Lead Interpreter and Check Interpreter in Korean.)  
 6 A. The hardware, basically, the size, making it  
 7 small, to see if it's appropriate. Also thickness, that's  
 8 included in hardware specs, so to check if the thickness  
 9 was okay. Basically, making it exactly as it is in the  
 10 hardware specs, that was the first thing that I did, I  
 11 remember.  
 12 CHECK INTERPRETER: "When it comes to this  
 13 hardware aspect of it, contemplating whether we can make  
 14 it smaller and if the size would be appropriate. And also  
 15 hardware specs could include the thickness, so based on  
 16 those attempts, trying to make it accordingly with the  
 17 hardware specs that were provided, trying to come up with  
 18 something that -- befitting to that, and I think that was  
 19 what I tried to do first."  
 20 BY MR. STERN:  
 21 Q. Did someone else at Samsung instruct you to  
 22 begin work on designing the Galaxy S?  
 23 A. Someone else at Samsung?  
 24 Q. Yes. For example, one of your superiors.  
 25 A. Yes. At the design team, my superior told me

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1 A. Within the S Project, this is one of the design  
2 drafts.  
3 Q. In addition to Aries, can you recall any other  
4 design drafts within the S Project that you haven't told  
5 me about yet?  
6 MR. ZELLER: The question is grossly  
7 misleading. You're suggesting that he's withheld  
8 something, design drafts from you? There's no -- assumes  
9 facts, argumentative, vague, lacks foundation.  
10 MR. STERN: Let me clear this up.  
11 BY MR. STERN:  
12 Q. Mr. Lee, within the S Project, in addition to  
13 Aries, can you recall any other drafts or candidates by  
14 their names as you sit here today?  
15 A. Well, the Vesta, but in the S Project, there  
16 are various design directions that we can take, and I  
17 took -- I gave it to you through mock-ups or files, I  
18 opened it. But to say how many there are, it's very  
19 difficult and hard for me to really count that, because in  
20 design, even the most minute changes we can call that a  
21 different design, or we can call that the same design.  
22 So there are a -- I remember that we talked  
23 about a lot of different possibilities and talked a long  
24 time about that.  
25 CHECK INTERPRETER: "Yes, the Vesta could be

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1 Q. Well, that's my question for you. Do you  
2 recognize this document?  
3 A. A document in this format, I have not seen  
4 before.  
5 Q. Do you recognize this as a document created by  
6 Samsung to list design mock-up histories?  
7 (A discussion was had off the record between  
8 Lead Interpreter and Check Interpreter in Korean.)  
9 A. Well, it appears to me that this has been  
10 extracted from software or something like that and not  
11 made. It's the first time for me as well to see this  
12 format of a document. Maybe it's just because I didn't  
13 print it out before, but yes, anyway...  
14 CHECK INTERPRETER: "I'm seeing this type  
15 document for the first time."  
16 BY MR. STERN:  
17 Q. At row 74, do you see a reference to "Aries 4.0  
18 Touch Phone"?  
19 A. 74?  
20 Q. Row 74, yes, on page ending 242.  
21 A. Yes.  
22 Q. Okay. Is that the design that ultimately  
23 became the Galaxy S?  
24 A. It is a draft of the S Project.  
25 Q. Are you able to tell me whether this draft was

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1 one of them. I'm not very good with memorializing or  
2 remembering project names. But there are lots of  
3 different design suggestions for the S Project, and I  
4 believe I opened that through mock-ups and my files. But  
5 trying to come up with how many there were, I cannot  
6 really give you an exact answer to that, because even  
7 however slight the modification or change might take  
8 place, when it comes to design, we might consider that as  
9 a different design proposal, or it may be considered the  
10 same.  
11 "So within the S Project, there were many  
12 different discussions over a period of time."  
13 (MH Lee Deposition Exhibit 2111 marked.)  
14 BY MR. STERN:  
15 Q. I'm going to ask the reporter to hand you  
16 another document, Mr. Lee. This will be Exhibit 2111.  
17 It's a multipage document running from SAMNDCA10144232  
18 through 280, and it's entitled "Design Mock-Up History."  
19 And I'd like to direct your attention to the page ending  
20 in 242, particularly at row 74.  
21 A. Can I look at the document first?  
22 Q. Sure.  
23 (Witness reviews document.)  
24 A. This type of document, where was it made?  
25 BY MR. STERN:

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1 the draft that ultimately became the Galaxy S?  
2 A. Well, I cannot say exactly that it is this  
3 draft, because before the release of the product, the  
4 design constantly changes. This is one draft among the  
5 many, and this design, like it takes off clothes and it  
6 changes like that, and until the release, newly it's built  
7 up, we build it up. And so I cannot say that this is  
8 exactly the draft. The connection would be not big, to  
9 say it like that.  
10 (MH Lee Deposition Exhibit 2112 marked.)  
11 BY MR. STERN:  
12 Q. Okay. I have another document for you here,  
13 Mr. Lee. This would be Exhibit 2112, correct, which bears  
14 Bates numbers S-ITC-007754234 through 239. Do you  
15 recognize this document, Mr. Lee?  
16 A. This is the first time I am seeing this format  
17 of a document. This is not something under my purview.  
18 Q. Do you have any doubt that it was created by  
19 Samsung?  
20 MR. ZELLER: The question lacks foundation.  
21 A. No, I'm not saying that. I'm saying that I  
22 haven't seen this format of a document before, and  
23 performing DIA and the sort is other work that is not  
24 related to me, is what I'm saying.  
25 BY MR. STERN:

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1 Q. What is DIA?  
 2 A. I don't know what exactly it is, DIA.  
 3 (MH Lee Deposition Exhibit 2113 marked.)  
 4 BY MR. STERN:  
 5 Q. Okay. I've got another document for you here,  
 6 Mr. Lee. It would be Exhibit 2113. It's a multipage  
 7 document extending from S-ITC-007849424 through 492.  
 8 MR. ZELLER: I'm sorry, I have ending 493.  
 9 MR. STERN: I'm sorry, you're right, 493.  
 10 A. I will look over it.  
 11 (Witness reviews document.)  
 12 BY MR. STERN:  
 13 Q. Do you see your name on the first page of  
 14 Exhibit 2113, Mr. Lee?  
 15 A. Yes, I do.  
 16 Q. And you're identified as product designer,  
 17 correct?  
 18 A. That is correct.  
 19 Q. And the document is entitled "Aries (GT-I9000)  
 20 Global GSM Level 2." Are you able to tell me what this  
 21 document is, Mr. Lee?  
 22 A. Well, this was not prepared by the design team,  
 23 and I myself do not know well if it was made by product  
 24 planning or marketing. So I don't know what "Level 2"  
 25 refers to here.

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1 Mr. Lee, when you were designing the Galaxy S,  
 2 did you consider the Apple iPhone 3GS product in any  
 3 regard?  
 4 MR. ZELLER: First of all, the question is a  
 5 non sequitur as to this document, which he has already  
 6 testified he hasn't seen before, so there's no foundation  
 7 as to that. And the question is vague and ambiguous,  
 8 since it appears to be linking these up.  
 9 A. Looking at this positioning competition map,  
 10 this map, looking at this and asking that, I don't  
 11 understand the -- because the positioning meaning here or  
 12 the document meaning, I don't know.  
 13 CHECK INTERPRETER: "Looking at this  
 14 positioning competition map, I don't know why you're  
 15 coming up with that document based on this mapping. I  
 16 don't understand as to the meaning, based on this  
 17 mapping."  
 18 BY MR. STERN:  
 19 Q. Putting aside this document for a moment,  
 20 you're familiar with the Apple iPhone 3GS, correct?  
 21 A. Yes, I know it.  
 22 Q. When you were asked to begin work on designing  
 23 the Galaxy S, did anybody say to you, "We need a product  
 24 to compete with the iPhone 3GS," or words to that effect?  
 25 A. No, that was not the case. We needed a

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1 Q. But you believe it was created by the product  
 2 planning or the marketing department at Samsung; is that  
 3 correct?  
 4 A. Yes, well that is my guess. It is not -- it  
 5 could not be accurate, though, maybe.  
 6 Q. Have you seen a document like this in the past?  
 7 A. Well, yes, I have, although I did not look  
 8 through something like this in great detail. I cannot  
 9 remember all the sentences, but yes, I did.  
 10 Q. Do you have any doubt that it's a document  
 11 created internally in Samsung?  
 12 MR. ZELLER: Lacks foundation, calls for  
 13 speculation.  
 14 A. Well, I cannot give you an exact answer, but it  
 15 looks like related content. I believe it is made by  
 16 Samsung.  
 17 CHECK INTERPRETER: "I think it is made by  
 18 Samsung."  
 19 BY MR. STERN:  
 20 Q. Directing your attention to the page that ends  
 21 with 428 in this document, page entitled "Positioning -  
 22 Competition Map"?  
 23 A. Yes.  
 24 Q. And towards the left-hand side of the page you  
 25 see a reference to the iPhone 3GS?

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1 smartphone, and we did not have in mind a particular model  
 2 in the design or development.  
 3 Q. Did anybody say to you when you undertook  
 4 design of the Galaxy S that you should design a product  
 5 that looked like the iPhone or words that effect?  
 6 A. No, that didn't -- that did not take place.  
 7 Q. Did anybody say to you, "Don't design a product  
 8 that looks like the iPhone," or words to that effect?  
 9 MR. ZELLER: The question is argumentative,  
 10 vague.  
 11 A. Whether that was said or not, no, I've never  
 12 heard of that before, and as the leader of the project, I  
 13 just proceeded in the perspective of developing the  
 14 Galaxy S.  
 15 BY MR. STERN:  
 16 Q. What does that mean, "proceeded in the  
 17 perspective of developing the Galaxy S"?  
 18 A. We took the given hardware specs, the design  
 19 direction from the Haptic, the Jet, to the Galaxy S, and  
 20 afterwards, just took the perspective of that design and  
 21 concentrated only on that and did not refer to anything  
 22 that anybody else said.  
 23 Q. But you knew, didn't you, Mr. Lee, that the  
 24 smartphone that you were developing would compete with the  
 25 Apple iPhone 3GS, didn't you?



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1 that, to list each one would be very difficult for you to  
 2 understand, so I just talked -- gave a simple one.  
 3 BY MR. ZELLER:  
 4 Q. What you provided in your answers were examples  
 5 of ways that you sought to differentiate the Galaxy S?  
 6 MR. STERN: Objection to the extent that it  
 7 purports to be a gloss or modification of his previous  
 8 answer. Also object as leading.  
 9 A. Differentiating the design, that is to have it  
 10 different from others and to have the exclusive Samsung  
 11 heritage, it starts from the inside of the design. And  
 12 there are hundreds of considerations and different types  
 13 that I have given, and I just gave you one single example,  
 14 an easy talk.  
 15 But in the design concept, there's various  
 16 other things, such as materials and weight, so forth.  
 17 Weight was also an important consideration, heavy, light,  
 18 how do I make it? I want it to be to consumers, "Wow,  
 19 this is the weight that -- it feels like what I've been  
 20 using." So I, in designing the Galaxy S, concentrated as  
 21 well on getting the right weight. I thought that if it  
 22 was the weight of a cup of coffee, it would come across as  
 23 friendly to consumers, what they're used to holding in the  
 24 morning, so I made it similar to that.  
 25 Some things that others do not think of, that

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1 (Counsel representing this witness should arrange for  
 2 reading and signing and thereafter distribute copies of  
 3 the signed Errata sheet to opposing counsel without  
 4 involvement of the court reporter.)  
 5  
 6 STYLE OF CASE: Apple vs. Samsung (ND CAL)  
 7 DEPOSITION OF: MINHYOUK LEE  
 8 TAKEN: March 2, 2012  
 9  
 10 ERRATA SHEET  
 11  
 12 Page LineChange Reason  
 13 \_\_\_\_\_  
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 22  
 23 I hereby certify that I have read my deposition and that  
 24 it is true and correct subject to any changes in form or  
 25 substance entered here.  
 \_\_\_\_\_  
 Date MINHYOUK LEE

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1 is differentiation. And in terms of materials, deciding  
 2 what parts, deciding the size, those are all cases of  
 3 differentiation, like the cup of coffee.  
 4 Q. Do you believe that you were successful in  
 5 differentiating the Galaxy S in ways other than size?  
 6 A. Yes, of course. I think we succeeded and  
 7 differentiated in many ways.  
 8 MR. ZELLER: I have nothing further. Thank  
 9 you.  
 10 MR. STERN: Off the record.  
 11 THE VIDEOGRAPHER: The time is 3:47. This is  
 12 the end of Tape 5. We are off the record.  
 13 (Off the record at 3:47 p.m.)  
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C E R T I F I C A T E

1  
 2 SEOUL )  
 3 SOUTH KOREA )  
 4  
 5 I, Michael E. Miller, Registered Diplomate  
 6 Reporter, Certified Realtime Reporter, do hereby certify  
 7 that the aforementioned witness was first duly sworn by me  
 8 pursuant to stipulation of counsel to testify to the  
 9 truth; that I was authorized to and did report said  
 10 deposition in stenotype; and that the foregoing pages are  
 11 a true and correct transcription of my shorthand notes of  
 12 said deposition.  
 13  
 14 I further certify that said deposition was  
 15 taken at the time and place hereinabove set forth and that  
 16 the taking of said deposition was commenced and completed  
 17 as hereinabove set out.  
 18  
 19 I further certify that I am not attorney or  
 20 counsel of any of the parties, nor am I a relative or  
 21 employee of any attorney or counsel of any party connected  
 22 with the action, nor am I financially interested in the  
 23 action.  
 24  
 25 The foregoing certification of this  
 transcript does not apply to any reproduction of the same  
 by any means unless under the direct control and/or  
 direction of the certifying reporter.  
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IN WITNESS WHEREOF, I have hereunto set my  
 hand this March 4, 2012.

  
 MICHAEL E. MILLER  
 Certified Realtime Reporter  
 Registered Diplomate Reporter  
 Realtime Systems Administrator