

Exhibit 3
(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
A T T O R N E Y S ' E Y E S O N L Y

VIDEOTAPED DEPOSITION OF TANG YEW TAN
REDWOOD SHORES, CALIFORNIA
FRIDAY, MARCH 2, 2012

BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CCRR, CLR
CSR LICENSE NO. 9830
JOB NO. 47065

1 FRIDAY, MARCH 2, 2012
 2 10:10 A.M.
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 4
 5
 6 VIDEOTAPED DEPOSITION OF TANG YEW TAN,
 7 taken at QUINN EMANUEL URQUHART &
 8 SULLIVAN, LLP, 555 Twin Dolphin Drive,
 9 Suite 560, Redwood Shores, California,
 10 Pursuant to Notice, before me,
 11 ANDREA M. IGNACIO HOWARD, CLR, CCRR, RPR,
 12 CSR License No. 9830.
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TSG Reporting - Worldwide 877-702-9580

1 A P P E A R A N C E S:
 2
 3 FOR APPLE INC.:
 4 MORRISON & FOERSTER
 5 By: ANDREW E. MONACH, Esq.
 6 425 Market Street
 7 San Francisco, California 94105
 8
 9
 10
 11 FOR SAMSUNG ELECTRONICS CO. LTD:
 12 QUINN EMANUEL URQUHART & SULLIVAN
 13 By: MARY H. MCNEILL, Esq.
 14 50 California Street
 15 San Francisco, California 94111
 16
 17
 18
 19 ALSO PRESENT: Aric Kerhoulas, Videographer
 20
 21 ---oOo---
 22
 23
 24
 25

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1 REDWOOD SHORES, CALIFORNIA
 2 FRIDAY, MARCH 2, 2012
 3 10:10 A.M.
 4
 5
 6
 7 THE VIDEOGRAPHER: Good morning. This marks 10:09
 8 the beginning of Disc 1 of the videotaped deposition 10:09
 9 of Tang Yew Tan. 10:09
 10 In the Matter of Certain Electronic Digital 10:09
 11 Media Devices -- I'm sorry -- In the Matter Apple 10:09
 12 versus Samsung Electronics, et al. 10:09
 13 In the United States District Court, for the 10:09
 14 Northern District of California, San Jose Division. 10:09
 15 Case No. 11-CV-01846-LHK. 10:09
 16 This deposition is being held at the office 10:10
 17 of Quinn Emanuel at 555 Twin Dolphin Drive in 10:10
 18 Redwood Shores, California. 10:10
 19 The date today is March 2nd, 2012, and the 10:10
 20 time is approximately 10:10 a.m. 10:10
 21 My name is Aric Kerhoulas from TSG Reporting, 10:10
 22 Incorporated. Our court reporter today is Andrea 10:10
 23 Marie Ignacio, in association with TSG. 10:10
 24 Will counsel please introduce yourselves for 10:10
 25 the record. 10:10

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1 MS. MCNEILL: Mary McNeill of Quinn Emanuel 10:10
 2 for Samsung. 10:10
 3 MR. MONACH: Andrew Monach, Morrison & 10:10
 4 Foerster, representing Apple and the witness. 10:10
 5 THE VIDEOGRAPHER: If the court reporter will 10:10
 6 please swear in the witness, we can proceed. 10:10
 7
 8 TANG YEW TAN,
 9 having been sworn as a witness
 10 by the Certified Shorthand Reporter,
 11 testified as follows:
 12
 13 EXAMINATION BY MS. MCNEILL 10:10
 14 MS. MCNEILL: Good morning, Mr. Tan. 10:10
 15 Q How are you today? 10:10
 16 A Fine, thank you. 10:10
 17 Q We met briefly earlier, but my name is Mary 10:10
 18 McNeill, and I'm counsel for Samsung, and I'll be 10:11
 19 asking you a few questions today. 10:11
 20 A Yes. 10:11
 21 Q Do you understand that you're under oath 10:11
 22 today? 10:11
 23 A Yes. 10:11
 24 Q And that your testimony today has the same 10:11
 25 effect as it would if you were in court? 10:11

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1 these documents helped refresh your recollection 10:26
 2 about? 10:26
 3 A Can you -- when you say refresh my memory 10:26
 4 about, about what? 10:26
 5 **Q That's what I'm trying to determine. You 10:26**
 6 **said that you looked at some e-mails that helped 10:26**
 7 **refresh your memory about things that had happened. 10:26**
 8 **And I'm trying to decide: What subject 10:26**
 9 **matter about the product design of the iPhone did you 10:26**
 10 **read about that helped refresh your memory? 10:26**
 11 MR. MONACH: Object to the form of the 10:26
 12 question. 10:26
 13 THE WITNESS: I cannot remember specific 10:26
 14 e-mails. Again, there were a lot of e-mails that we 10:26
 15 went through, so -- 10:26
 16 MS. MCNEILL: Okay. 10:26
 17 **Q And if you could direct your attention back 10:26**
 18 **to page 8 of Exhibit 2100, please. 10:26**
 19 **What did you do to prepare yourself to 10:27**
 20 **testify about the function or performance benefits of 10:27**
 21 **Apple's design patents? 10:27**
 22 MR. MONACH: Object to the form of the 10:27
 23 question; assuming facts not in evidence, in light of 10:27
 24 the topics on which this witness was designated in 10:27
 25 correspondence by counsel. 10:27
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1 MS. MCNEILL: And to the extent your answer 10:27
 2 is the same as your answer was with respect to 10:27
 3 Topic 2, you can state that as well. 10:27
 4 MR. MONACH: Again, I'll -- I'll remind the 10:27
 5 witness not to disclose any specifics of 10:27
 6 attorney-client communications. 10:27
 7 THE WITNESS: I met with Andy on Monday, 10:27
 8 again, for the whole day, and I spoke to my peers, 10:27
 9 Brian Lynch and John Ternus. 10:27
 10 MS. MCNEILL: Okay. 10:28
 11 **Q Did you do anything different to prepare for 10:28**
 12 **Topic 3 as you did to prepare for Topic 2? 10:28**
 13 MR. MONACH: Object to the form of the 10:28
 14 question to the extent it misstates the scope of the 10:28
 15 witness' 30(b)(6) designation. 10:28
 16 THE WITNESS: No. They're all part of the 10:28
 17 same conversation. 10:28
 18 MS. MCNEILL: Q. And do you recall looking 10:28
 19 at any specific e-mails that helped refresh your 10:28
 20 memory with respect to Topic 3? 10:28
 21 A No particular communications I remember. 10:28
 22 **Q And directing your attention to the fourth 10:28**
 23 **topic below that, did you do anything different to 10:28**
 24 **prepare for Topic 4 than you did to prepare for 10:28**
 25 **Topics 2 and 3 that we've previously discussed? 10:28**
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1 A No. 10:28
 2 **Q Did you prepare for Topic 4 the same way you 10:29**
 3 **prepared for Topics 2 and 3? 10:29**
 4 A Yes. 10:29
 5 **Q And in preparation for Topic 4, did you 10:29**
 6 **review any e-mails that helped refresh your 10:29**
 7 **recollection about the subject matter of this topic? 10:29**
 8 A No. 10:29
 9 **Q Do you recall reviewing any documents in 10:29**
 10 **general that refreshed your recollection about the 10:29**
 11 **subject of Topic 4, any reference or consideration of 10:29**
 12 **any Samsung or third-party products by anyone at 10:29**
 13 **Apple? 10:29**
 14 A Not that I recollect. 10:29
 15 **Q And did Apple ever consider using curved 10:29**
 16 **glass on the front surface of the iPhone instead of 10:29**
 17 **flat glass? 10:29**
 18 A Yes. 10:29
 19 **Q And what were Apple's actions with respect to 10:29**
 20 **that consideration? 10:29**
 21 A We did a -- we did a feasibility study -- a 10:30
 22 feasibility study with the cross-functional team. 10:30
 23 **Q I'm sorry. What kind of study did you say? 10:30**
 24 A Feasibility. 10:30
 25 **Q Visibility. 10:30**
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1 **And what were the results of the visibility 10:30**
 2 **study that you performed with the cross-functional 10:30**
 3 **team? 10:30**
 4 MR. MONACH: I believe that may miss -- 10:30
 5 inadvertently misstate his testimony, but let's be 10:30
 6 clear. 10:30
 7 Did you say visibility or feasibility? 10:30
 8 THE WITNESS: Feasibility. 10:30
 9 MR. MONACH: Feasibility. 10:30
 10 MS. MCNEILL: Okay. 10:30
 11 **Q What were the results of the feasibility 10:30**
 12 **study that you performed with the cross-function team 10:30**
 13 **with respect to using curved glass on the iPhone? 10:30**
 14 A Our studies showed that it was possible to 10:30
 15 make a curved glass product. 10:31
 16 **Q And why wasn't curved glass pursued on the 10:31**
 17 **iPhone? 10:31**
 18 A We presented the facts to the industrial 10:31
 19 design team, and they ultimately decide whether 10:31
 20 it's -- whether they wanted it curved or flat. So I'm 10:31
 21 not privy to the decisions they make. 10:31
 22 **Q Do you have any understanding of why they 10:31**
 23 **made that decision? 10:31**
 24 A No. I'm not part of the industrial design 10:31
 25 group. 10:31
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1 **Q But regardless of whether you're part of the 10:31**
 2 **specific team, do you have any independent 10:31**
 3 **understanding of why the industrial design -- design 10:31**
 4 **team decided not to use curved glass on the iPhone? 10:31**
 5 A No. 10:31
 6 **Q And is that your best recollection on the 10:31**
 7 **subject of why -- 10:31**
 8 MR. MONACH: Asked and answered -- asked and 10:31
 9 answered. 10:31
 10 MS. MCNEILL: Q. -- Apple didn't use the 10:31
 11 curved glass on the iPhone? 10:31
 12 A Yeah, I have no knowledge of what -- how they 10:31
 13 decided to go with the cover of the glass. 10:31
 14 **Q And what were the facts that you presented to 10:32**
 15 **the industrial design team to help inform their 10:32**
 16 **decision about using curved glass versus flat glass on 10:32**
 17 **the iPhone? 10:32**
 18 A I can't recall the full details because it's 10:32
 19 been a few years since we've done that. I can't 10:32
 20 remember the details of it. All I know is that we 10:32
 21 presented some data, and the details of the data is 10:32
 22 vague to me. 10:32
 23 **Q And setting aside the specific details of the 10:32**
 24 **exact data that you presented, based on your research, 10:32**
 25 **do you have an understanding of the different facts 10:32**
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1 **that were presented with regard to curved glass versus 10:32**
 2 **a flat glass? 10:32**
 3 A Again, it's been a while. It's been a few 10:32
 4 years that we presented the data. I know that we did, 10:33
 5 but I can't remember the details. 10:33
 6 **Q And setting aside the specific details of the 10:33**
 7 **data, do you have any understanding of why it would be 10:33**
 8 **more beneficial to use flat glass on the iPhone versus 10:33**
 9 **curved glass? 10:33**
 10 MR. MONACH: Object to the form of the 10:33
 11 question; assumes facts not in evidence; and to the 10:33
 12 extent it purports to misstate his prior testimony, it 10:33
 13 misstates his prior testimony. 10:33
 14 THE WITNESS: Again, I have no privy to the 10:33
 15 decision that's made why they wanted to go flat or 10:33
 16 curved. The industrial design team basically makes 10:33
 17 that decision. 10:33
 18 MS. MCNEILL: Q. And separating aside the 10:33
 19 industrial design team's decision and specific memory 10:33
 20 about specific facts you presented to them, do you, 10:33
 21 Mr. Tan, sitting here today, have an understanding as 10:33
 22 to the benefits of using flat glass versus curved 10:33
 23 glass on a mobile device? 10:34
 24 MR. MONACH: Object to the form of the 10:34
 25 question; lack of foundation; vague. 10:34
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1 THE WITNESS: I personally think that both 10:34
 2 were feasible, and -- and that's the fact that we 10:34
 3 presented. And that's what -- that's what -- that's 10:34
 4 what I recollect. 10:34
 5 MS. MCNEILL: Q. And do you have any 10:34
 6 understanding of why the flat glass was chosen over 10:34
 7 the curved glass, given that both were feasible? 10:34
 8 MR. MONACH: Objection; asked and answered 10:34
 9 multiple times. 10:34
 10 You can do it again. 10:34
 11 THE WITNESS: Basically, we presented the 10:34
 12 facts. The industrial design group made the decision. 10:34
 13 And because I'm not a part of the industrial design 10:34
 14 group, I am not privy to any decision that was made. 10:34
 15 MS. MCNEILL: Q. Did Apple ever make any 10:34
 16 models of phones using curved glass? 10:34
 17 A It has been a few years, but I seem to 10:35
 18 recollect that. 10:35
 19 **Q And do you recall how many models were made 10:35**
 20 **with curved glass? 10:35**
 21 A I can't recollect how many there were made. 10:35
 22 **Q Do you recall who made the phone models that 10:35**
 23 **used curved glass? 10:35**
 24 A I can't recollect. 10:35
 25 **Q And do you recall -- or do you know whether 10:35**
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1 **Apple still has those models? 10:35**
 2 A I don't know. 10:35
 3 **Q And did Apple ever conduct any analyses of 10:35**
 4 **the manufacturing feasibility of using curved glass? 10:35**
 5 MR. MONACH: Objection; vague. 10:35
 6 THE WITNESS: I vaguely remember. Again, 10:35
 7 it's been a few years. My recollection is that we did 10:35
 8 do a study. 10:35
 9 MS. MCNEILL: Q. And do you recall what the 10:35
 10 study told you? 10:35
 11 A No, I don't. It's been a few years. 10:35
 12 **Q Do you recall in any way the results of any 10:35**
 13 **research performed related to using flat glass versus 10:35**
 14 **using curved glass on the iPhone? 10:36**
 15 MR. MONACH: Objection; asked and answered, 10:36
 16 in part. 10:36
 17 THE WITNESS: Again, I think the -- the study 10:36
 18 showed that both were feasible, but that's all I can 10:36
 19 recollect. 10:36
 20 MS. MCNEILL: Q. Do you recall that one was 10:36
 21 more feasible or cost-effective than the other? 10:36
 22 MR. MONACH: Object to the form of the 10:36
 23 question. 10:36
 24 THE WITNESS: I don't recollect the cost part 10:36
 25 of it. 10:36
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1 MS. MCNEILL: Q. Do you recall whether one 10:36
 2 was more feasible than the other? 10:36
 3 MR. MONACH: Objection; vague. 10:36
 4 THE WITNESS: I believe both are feasible. 10:36
 5 MS. MCNEILL: And to the extent that both 10:36
 6 were feasible, do you recall whether one was more 10:36
 7 feasible than the other? 10:36
 8 MR. MONACH: Objection; asked and answered; 10:36
 9 vague. 10:36
 10 THE WITNESS: Again, I know -- I know it's 10:37
 11 feasible, but I don't remember whether one was more 10:37
 12 than the other. 10:37
 13 MS. MCNEILL: Okay. 10:37
 14 **Q Did Apple ever conduct any analyses of the 10:37**
 15 **financial feasibility of using curved glass on the 10:37**
 16 **iPhone? 10:37**
 17 A I personally don't recollect. I handle the 10:37
 18 product design. That's not a group that handles the 10:37
 19 costing of materials. So I -- I don't recollect the 10:37
 20 cost analyses of a curved versus flat glass. 10:37
 21 **Q And in preparation for today's deposition, 10:37**
 22 **did you review any documents that referenced analyses 10:37**
 23 **of the manufacturing feasibility of using curved 10:38**
 24 **glass? 10:38**
 25 A No, I did not. 10:38
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1 **Q And did Apple consider an alternative design 10:38**
 2 **for the iPhone with the screen sunken into the body of 10:38**
 3 **the phone? 10:38**
 4 A Can you define what "sunken into the body of 10:38
 5 the phone" means? 10:38
 6 **Q As opposed to a flat continuous surface from 10:38**
 7 **edge to edge. Did Apple ever consider an alternative 10:38**
 8 **design for the iPhone where the screen was sunken into 10:38**
 9 **the body of the phone? 10:38**
 10 A I know that we did review a series of 10:38
 11 different designs, and yes, that was part of -- that 10:38
 12 was basically one of the design considerations that 10:38
 13 were taken into account. 10:38
 14 **Q And what were others? 10:38**
 15 MR. MONACH: Object to the form of the 10:39
 16 question as being beyond the scope of the 30(b)(6) 10:39
 17 topics. 10:39
 18 But to the extent you have personal 10:39
 19 information, you can testify to it. 10:39
 20 THE WITNESS: So this -- you mentioned 10:39
 21 there's a sunken. There's a flush. Then there's also 10:39
 22 this -- there's also proud glass, which is classified 10:39
 23 as curved glass to be a product surface. 10:39
 24 MS. MCNEILL: Okay. 10:39
 25 **Q So you consider proud another way to describe 10:39**
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1 **what would be -- what we also discuss as being curved 10:39**
 2 **glass; is -- is that true? 10:39**
 3 A Yes. 10:39
 4 **Q And why didn't Apple pursue any of those 10:39**
 5 **alternative designs, the sunken-in glass or the proud 10:39**
 6 **glass? 10:39**
 7 MR. MONACH: Object to the form of the 10:39
 8 question as assuming facts not in evidence and 10:39
 9 misstating the prior testimony; vague. 10:40
 10 THE WITNESS: Again, I think we -- we -- from 10:40
 11 what I recollect, we -- we did our study, we presented 10:40
 12 our findings to the industrial design group, and they 10:40
 13 made the decision. 10:40
 14 MS. MCNEILL: Q. And specifically with 10:40
 15 respect to have -- to the alternative design of the 10:40
 16 screen that's sunken into the body, what were the 10:40
 17 results of the study that you performed? 10:40
 18 A It's been a few years since we presented that 10:40
 19 finding, so I can't recollect exactly. There are some 10:40
 20 performance -- there are some performance tradeoffs 10:40
 21 with either a flush or a sub-flush display. 10:40
 22 **Q And do you recall generally what those 10:40**
 23 **performance tradeoffs were with respect to the flush 10:40**
 24 **or sub-flush display? 10:41**
 25 A Generally, with the screen that's recessed 10:41
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1 from the surface, there is more protection of the -- 10:41
 2 the display itself in a -- in a reliability event, 10:41
 3 yeah. 10:41
 4 **Q And any other general tradeoffs that you can 10:41**
 5 **recall with respect to the sunk -- to the flush glass 10:41**
 6 **versus the sub-flush display? 10:41**
 7 A I mean, there are other manufacturing 10:41
 8 considerations that can be taken into account. The 10:41
 9 execution of it is different. It's -- with a -- with 10:41
 10 a -- with a sub-flush glass, the -- the way you 10:41
 11 manufacture the bezel and the -- I mean, the enclosure 10:41
 12 and the way we architect the display would be very 10:41
 13 different. 10:41
 14 **Q And how so? 10:41**
 15 A It's -- 10:42
 16 **Q How would the way that you manufacture the 10:42**
 17 **enclosure and architecture of the display be different 10:42**
 18 **with sub-flush glass? 10:42**
 19 MR. MONACH: Object to form. 10:42
 20 THE WITNESS: Just different forms of -- 10:42
 21 again, that question is very vague. But with every -- 10:42
 22 with every different design, there are challenges that 10:42
 23 go with the fabrication of it. But in -- from what I 10:42
 24 remember, flush and sub-flush glass were feasible. 10:42
 25 MS. MCNEILL: And separate from whether or 10:42
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1 not they were feasible, I guess I'm trying to 10:42
 2 determine the manufacturing tradeoffs with respect to 10:42
 3 flush glass versus sub-flush glass. 10:42
 4 **Q Do you remember any of those tradeoffs 10:42**
 5 **generally, aside from the increased protectability 10:42**
 6 **that you discussed earlier? 10:43**
 7 A That's all I can recollect on protectability. 10:43
 8 **Q And do you remember generally the results of 10:43**
 9 **the studies you performed with respect to the proud 10:43**
 10 **glass over flush glass? 10:43**
 11 MR. MONACH: Objection; asked and answered 10:43
 12 about five times. 10:43
 13 You can do it again. 10:43
 14 THE WITNESS: I can't recollect. It's been a 10:43
 15 few years. 10:43
 16 MS. MCNEILL: Q. Why did Apple, despite its 10:43
 17 feasibility, decide not to pursue -- strike that. 10:43
 18 Why didn't Apple pursue the design of 10:43
 19 sunken-in glass? 10:43
 20 A Again, as I mentioned, we presented our 10:43
 21 findings. The industrial design team made the 10:43
 22 decision. 10:44
 23 **Q And do you have any knowledge as to how the 10:44**
 24 **industrial design team came to its decision? 10:44**
 25 A No, I don't. 10:44
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1 **Q And with respect to the proud glass versus 10:44**
 2 **the flush glass, do you have any knowledge as to how 10:44**
 3 **the design team came to its decision? 10:44**
 4 MR. MONACH: Objection; asked and answered 10:44
 5 about seven times now. 10:44
 6 You can do it again. 10:44
 7 THE WITNESS: Again, I'm not part of the 10:44
 8 industrial design group, so I don't know how they came 10:44
 9 about the decision. 10:44
 10 MS. MCNEILL: Q. Did Apple ever make any 10:44
 11 models of the design with the screen or base plate 10:44
 12 sunken into the phone? 10:44
 13 A Yes. 10:44
 14 **Q Do you know whether Apple keeps these models? 10:44**
 15 A If I recollect, yes. 10:44
 16 **Q Do you know where Apple keeps these models? 10:44**
 17 A I can't recollect, but I -- I can't 10:44
 18 recollect, but I know we do keep prototypes of all 10:45
 19 past experiments. Put one up in the product design 10:45
 20 lab. 10:45
 21 **Q And did Apple ever produce any of these 10:45**
 22 **models to Samsung? 10:45**
 23 MR. MONACH: Objection; lack of foundation; 10:45
 24 calls for speculation; completely outside the scope of 10:45
 25 the 30(b)(6) designations. 10:45
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1 THE WITNESS: I don't know. 10:45
 2 MS. MCNEILL: Q. Did Apple ever conduct any 10:45
 3 studies or perform any research about whether a 10:45
 4 sunken-in screen would be convenient for a user of a 10:45
 5 touch screen phone compared to a flat screen? 10:45
 6 MR. MONACH: Objection; vague. 10:46
 7 THE WITNESS: What do you mean by "conduct 10:46
 8 any studies or perform any research"? Can you 10:46
 9 elaborate, please? 10:46
 10 MS. MCNEILL: Q. Any sort of investigation. 10:46
 11 Did Apple try to learn any information about 10:46
 12 how users would interact with a sunken-in screen 10:46
 13 versus a flat continuous surface? 10:46
 14 A Not -- not as far as I -- not -- not as far 10:46
 15 as I know. 10:46
 16 MR. MONACH: Before I forget, we've had a 10:46
 17 number of questions about topics and subjects that 10:46
 18 have been Attorneys' Eyes Only. So we will designate 10:46
 19 the entire transcript as Attorneys' Eyes Only under 10:46
 20 the protective order. We also reserve the right to 10:46
 21 have the witness review and correct the transcript. 10:46
 22 MS. MCNEILL: Q. Mr. Tan, were any 10:46
 23 considerations of third-party products made by anyone 10:46
 24 at Apple who made design decisions? 10:46
 25 MR. MONACH: Object to the form of the 10:47
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1 question as vague. 10:47
 2 THE WITNESS: Yeah. Can you maybe elaborate 10:47
 3 more on "considerations"? I mean, were there any 10:47
 4 considerations of third-party products made by -- what 10:47
 5 do you mean by that? Can you elaborate? 10:47
 6 MS. MCNEILL: Q. What part of that question 10:47
 7 is unclear to you? 10:47
 8 A "Considerations of third-party products," 10:47
 9 what does that mean? Consideration of third-party 10:47
 10 products made by -- 10:47
 11 **Q Do you know what it means to consider 10:47**
 12 **something? 10:47**
 13 A Yes. 10:47
 14 MR. MONACH: Object to the form of the 10:47
 15 question. 10:47
 16 THE WITNESS: So maybe another way to answer, 10:47
 17 we do do competitive take-aparts of other company 10:47
 18 products. 10:48
 19 MS. MCNEILL: Q. And approximately how 10:48
 20 often, would you say? 10:48
 21 A Five, six times a year. 10:48
 22 **Q And are these competitor teardowns made in 10:48**
 23 **connection with each of Apple's major designs, meaning 10:48**
 24 **for the iPhone, the iPad and the iPod Touch? 10:48**
 25 MR. MONACH: Object to the form of the 10:48
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1 industrial design group kept records of the models it 11:42
 2 created? 11:42
 3 A I don't know. 11:42
 4 MS. MCNEILL: At this time, I'd like to ask 11:43
 5 the court reporter to hand Mr. Tan Exhibit 21 -- what 11:43
 6 has previously been marked as Exhibit 2102, please. 11:43
 7 **Q Mr. Tan, you have in front of you what has 11:43**
 8 **been previously marked as Exhibit 2102. I will 11:43**
 9 **represent to you that this is a copy of Apple's 11:43**
 10 **amended complaint. 11:43**
 11 **If you could please turn to page 10 of 11:43**
 12 **Exhibit 2102, and refer your attention to 11:43**
 13 **paragraph 34. If you can please read silently while I 11:43**
 14 **read aloud: 11:43**
 15 **"The end result is an elegant product that is 11:43**
 16 **more accessible, easier to use and much less 11:43**
 17 **technically intimidating than previously available 11:43**
 18 **smartphones and PDAs." 11:43**
 19 **Do you see where it says that, Mr. Tan? 11:43**
 20 A Yes. 11:44
 21 **Q And do you agree that Apple's product designs 11:44**
 22 **create products that are more accessible? 11:44**
 23 MR. MONACH: Object to the form of the 11:44
 24 question as vague and ambiguous. Object that it's 11:44
 25 beyond the scope of the 30(b)(6) designation. 11:44
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1 THE WITNESS: I'm not an expert in user 11:44
 2 accessibility, so I can't comment to that. 11:44
 3 MS. MCNEILL: Q. And do you agree that 11:44
 4 Apple's product design makes its products easier to 11:44
 5 use? 11:44
 6 MR. MONACH: Object to the form of the 11:44
 7 question as vague and ambiguous and compound. Object 11:44
 8 that it's beyond the scope of the 30(b)(6) for this 11:44
 9 witness. 11:44
 10 THE WITNESS: Again, I can't -- I can't speak 11:44
 11 for all users out there, so I can't -- I can't comment 11:44
 12 as to whether Apple makes products easier to use. 11:44
 13 MS. MCNEILL: Q. Can you identify any 11:44
 14 specific source of the design that became the iPhone? 11:44
 15 MR. MONACH: Object to the form of the 11:44
 16 question as vague and ambiguous. 11:44
 17 THE WITNESS: I don't. 11:45
 18 MS. MCNEILL: Q. Can you identify 11:45
 19 manufacturing constraints that Apple experienced 11:45
 20 throughout the process of the design of the iPhone? 11:45
 21 MR. MONACH: Objection; vague; calling for a 11:45
 22 narrative; compound. 11:45
 23 You can -- you can -- you can answer. 11:45
 24 THE WITNESS: Do you have a particular iPhone 11:45
 25 in mind, or is this a vague -- a general -- when you 11:45
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1 said "iPhone," is there a particular model in 11:45
 2 particular? 11:45
 3 MS. MCNEILL: Q. For purposes of this 11:45
 4 question, we'll stick with the original iPhone model. 11:45
 5 A Okay. 11:45
 6 MR. MONACH: Same objection. 11:45
 7 You can answer. 11:45
 8 THE WITNESS: There -- there were -- I do 11:45
 9 recollect vaguely some manufacturing challenges. 11:45
 10 MS. MCNEILL: Q. And which manufacturing 11:45
 11 challenges do you recall with respect to the original 11:45
 12 iPhone? 11:45
 13 A There were challenges in making a high 11:45
 14 polish, high hardness, what we call a bezel, the -- 11:46
 15 the metal ring that goes around the front of the 11:46
 16 phone. 11:46
 17 I remember manufacturing challenges in making 11:46
 18 flat pristine glass with a lot of detailed feature 11:46
 19 that is -- that is added into the glass itself. For 11:46
 20 example, the opening for the receiver part, the menu 11:46
 21 button, and also the -- the edge details on the glass. 11:46
 22 I do remember manufacturing challenges in 11:46
 23 making the aluminum enclosure for the back housing and 11:46
 24 keeping to the exact geometry that is defined by the 11:46
 25 industrial design group. 11:46
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1 **Q And any other manufacturing constraints with 11:46**
 2 **respect to the original iPhone you can think of? 11:46**
 3 A Not that I can recollect at this moment. 11:46
 4 It's been a few years. 11:47
 5 **Q And you testified that Apple experienced 11:47**
 6 **manufacturing constraints with respect to the bezel of 11:47**
 7 **the original iPhone. Can you tell me a little bit 11:47**
 8 **about those, please. 11:47**
 9 MR. MONACH: Object to the extent it slightly 11:47
 10 misstates the prior testimony. 11:47
 11 You can answer. 11:47
 12 THE WITNESS: So it was very clear from the 11:47
 13 industrial design group that they -- they wanted a 11:47
 14 high polish ring of -- a high polish ring of steel 11:47
 15 around the -- the glass. So we -- we had -- we had to 11:47
 16 work closely with the manufacturers in Asia to achieve 11:47
 17 that using -- especially using a high -- a grade of 11:47
 18 high hardness stainless steel. 11:47
 19 MS. MCNEILL: Q. And in working closely with 11:47
 20 manufacturers in Asia to develop this feature, what 11:47
 21 specific manufacturing constraints did you encounter? 11:47
 22 A The fact that we actually had to achieve 11:48
 23 the -- the geometry, the look that the industrial 11:48
 24 design group was -- was pushing for. 11:48
 25 **Q And what about the geometry that the 11:48**
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1 **industrial design group was pushing for created 11:48**
 2 **manufacturing constraints? 11:48**
 3 MR. MONACH: Object to the form of the 11:48
 4 question. 11:48
 5 You can answer. 11:48
 6 THE WITNESS: Yes, it's -- it's a -- it's a 11:48
 7 complex surface that we -- it's a complex surface to 11:48
 8 manufacture. 11:48
 9 MS. MCNEILL: Q. And why is that? 11:48
 10 A The geometries that were given to us by the 11:48
 11 industrial design group were not geometric surfaces. 11:48
 12 They are splined surfaces, so you -- it's -- it's more 11:48
 13 challenging to make splined surfaces. 11:48
 14 **Q And what do you mean they're not geometric, 11:48**
 15 **they're splined surfaces; what do you mean by that? 11:49**
 16 A So splined surfaces are surfaces that cannot 11:49
 17 be defined by geometry, by dimensions. You can't put 11:49
 18 a particular dimension to it. They are basically 11:49
 19 surfaces that are indeterminate. They are -- from my 11:49
 20 understanding of this, they are surfaces that are 11:49
 21 complex. 11:49
 22 So say, for example, if you have something 11:49
 23 that looks like a circle, you could represent it as a 11:49
 24 circle with a certain dimension, or it could be a 11:49
 25 splined circle with subtle geometric changes. So it's 11:49

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1 a very subtle detail in between a spline and 11:49
 2 geometric. 11:49
 3 So it's -- a lot of the industrial design 11:49
 4 surfaces are splined surfaces, and we always make it 11:49
 5 to the -- we try to make it to the industrial design 11:49
 6 surfaces. So there are definitely manufacturing 11:50
 7 challenges. 11:50
 8 **Q And you mentioned that you try to make it to 11:50**
 9 **the industrial design surfaces. Are there instances 11:50**
 10 **you can recall where you weren't capable of making it 11:50**
 11 **to that industrial design team's specifications? 11:50**
 12 A Not as I can -- not that I can recollect. 11:50
 13 We -- we make our products to the surface as 11:50
 14 defined by industrial design. Even when it's 11:50
 15 difficult to do it, we do it. 11:50
 16 **Q And are there any instances you can recall 11:50**
 17 **where specifications from the industrial design group 11:50**
 18 **were modified based on manufacturing constraints with 11:50**
 19 **the original iPhone? 11:50**
 20 A Not that I can recollect. 11:50
 21 **Q And you mentioned that the industrial design 11:50**
 22 **team wanted a ring of steel on the original iPhone. 11:50**
 23 **Do you have an understanding as to why? 11:50**
 24 A No. I am not part of the industrial design 11:51
 25 group, so I don't know what drove that motivation. 11:51

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1 **Q And what manufacturing constraints did Apple 11:51**
 2 **experience with respect to the flat pristine glass of 11:51**
 3 **the original iPhone? 11:51**
 4 A Like I mentioned, when we -- when we 11:51
 5 manufactured this glass, there are some small details 11:51
 6 in the glass -- for example, the opening for the 11:51
 7 receiver and the menu button -- that required precise 11:51
 8 manufacturing that added a lot of processes and steps. 11:51
 9 And also, the -- because it's glass, we have 11:51
 10 to treat the edge of the glass and add a chamfer, 11:51
 11 subtle details that will make the -- the -- the 11:51
 12 product according to industrial design's goal. 11:51
 13 **Q And any other such subtle details you can 11:52**
 14 **think of? 11:52**
 15 MR. MONACH: Objection; form. 11:52
 16 THE WITNESS: It had to be flat. The 11:52
 17 industrial design wanted it to be flat. 11:52
 18 MS. MCNEILL: Q. And were there any 11:52
 19 manufacturing constraints or issues that Apple 11:52
 20 encountered in the course of making the design flat? 11:52
 21 A There are definitely challenges in making it 11:52
 22 flat to the specification ID wanted. It was very 11:52
 23 challenging, but we were able to do it with a lot of 11:52
 24 work and a lot of processes. 11:52
 25 **Q Was it more challenging or less challenging, 11:52**

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1 **to your knowledge, than it would have been to create a 11:52**
 2 **curved glass surface for the iPhone? 11:52**
 3 MR. MONACH: Objection; vague; lack of 11:52
 4 foundation; incomplete hypothetical. 11:52
 5 THE WITNESS: As far as I know, we can -- we 11:52
 6 can also fabricate curved glass. Is it more difficult 11:52
 7 or less difficult? I am in no position to say. 11:53
 8 MS. MCNEILL: Q. What were the manufacturing 11:53
 9 challenges that Apple experienced with respect to the 11:53
 10 receiver opening on the glass of the iPhone? 11:53
 11 A If you -- if you actually looked at the 11:53
 12 detail of the opening of the glass itself, there is a 11:53
 13 subtle chamfer. Basically, it's a -- we call it a 11:53
 14 chamfer, which is a bevel on the glass. And so 11:53
 15 getting that precise angle in a glass was a challenge. 11:53
 16 Getting it to the level of polish and finish 11:53
 17 that the industrial design group wanted was a big 11:53
 18 challenge. 11:53
 19 **Q And can you think of any functions served by 11:53**
 20 **the chamfer that you mentioned? 11:53**
 21 MR. MONACH: Objection; vague. 11:53
 22 THE WITNESS: As far as I know, that's -- 11:53
 23 that's a detail from the industrial design group that 11:53
 24 they found important, so we were making it according 11:53
 25 to their -- 11:54

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1 MS. MCNEILL: Q. And do you -- 11:54
 2 A -- request. 11:54
 3 **Q -- do you have any independent knowledge as 11:54**
 4 **to why that feature was considered? 11:54**
 5 A Not that I know of. 11:54
 6 **Q Do you have any knowledge of the function of 11:54**
 7 **the aluminum enclosure for the back housing of the 11:54**
 8 **original iPhone? 11:54**
 9 MR. MONACH: Objection; vague. 11:54
 10 THE WITNESS: I mean, we could make the 11:54
 11 enclosure from any different material, really, 11:54
 12 actually. Is there any functional reason why it's 11:54
 13 aluminum? No. It was basically, again, a direction 11:54
 14 from industrial design that they wanted it made from 11:54
 15 aluminum. 11:54
 16 MS. MCNEILL: Q. And were any other 11:54
 17 materials besides glass considered for the original 11:54
 18 iPhone? 11:54
 19 A Yes. We -- some of the early prototypes we 11:54
 20 actually investigated are using a plastic surface 11:55
 21 rather than glass. 11:55
 22 **Q And why was glass ultimately chosen over 11:55**
 23 **plastic? 11:55**
 24 A I have no knowledge of why they decided 11:55
 25 ultimately to go with glass. But we did do a lot of 11:55
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1 development with both plastic and glass, and 11:55
 2 ultimately, the choice was to go with glass. 11:55
 3 **Q But you have no personal knowledge as to why 11:55**
 4 **Apple made that choice? 11:55**
 5 A I mean, I can -- I can tell you the benefits 11:55
 6 of -- of glass and plastic. But as to why Apple made 11:55
 7 a decision -- why the industrial design team made a 11:55
 8 decision, no. 11:55
 9 **Q And what are the benefits of glass versus 11:55**
 10 **plastic, as you know? 11:55**
 11 A Glass is a -- is a harder surface. It's -- 11:55
 12 it doesn't scratch as easily. But the downside to 11:55
 13 glass is that it's a very brittle material, and when 11:56
 14 you drop -- when you drop a glass, its likelihood of 11:56
 15 brittle fracture is high compared to plastics, for 11:56
 16 example. 11:56
 17 **Q And aside from it being a hard surface, more 11:56**
 18 **resistant to -- more resistant to scratches, can you 11:56**
 19 **think of any other benefits for glass over plastic for 11:56**
 20 **the surface of a mobile phone? 11:56**
 21 A Nothing I can think of. 11:56
 22 **Q What manufacturing constraints did Apple 11:56**
 23 **experience with respect to the menu button on the 11:56**
 24 **original iPhone? 11:56**
 25 A Can you be more specific in manufacturing 11:56
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1 constraints. What particular manufacturing 11:57
 2 constraints are you referring to? 11:57
 3 **Q I'm referring to the ones that you test -- 11:57**
 4 **you testified earlier that Apple experienced 11:57**
 5 **manufacturing challenges with respect to the menu 11:57**
 6 **button on the original iPhone. 11:57**
 7 A Well, I meant the -- the menu button opening 11:57
 8 in the glass. 11:57
 9 **Q And what manufacturing constraints did Apple 11:57**
 10 **experience with respect to the menu button -- menu 11:57**
 11 **button opening in the glass? 11:57**
 12 MR. MONACH: Object to the slight 11:57
 13 mischaracterizing of the prior testimony and changing 11:57
 14 of the words. 11:57
 15 You can answer. 11:57
 16 THE WITNESS: Okay. So just to be clear, we 11:57
 17 are talking about the opening of the menu button in 11:57
 18 the glass, similar to the receiver opening in the top. 11:57
 19 It's a hard material to add a hole through. 11:57
 20 Also, if you -- there are some dimensional 11:57
 21 tolerances that -- to keep dimensional tolerances in 11:57
 22 glass exactly to the -- to the requirement that ID had 11:58
 23 is -- is very challenging. 11:58
 24 And also, if you look at the glass, there's a 11:58
 25 subtle chamfer again on the top -- on the top surface. 11:58
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1 So small details that are difficult to 11:58
 2 add -- that are challenging to add into glass. 11:58
 3 MS. MCNEILL: Q. And can you call -- can you 11:58
 4 recall an instance where some of the details from the 11:58
 5 industrial design team were altered due to 11:58
 6 manufacturing issues or challenges? 11:58
 7 MR. MONACH: Objection; asked and answered. 11:58
 8 THE WITNESS: Are there any -- I mean, we -- 11:58
 9 in the course of working with ID, we do -- we do 11:58
 10 provide feedback on manufacturing challenges, and ID 11:58
 11 sometimes changes just very slightly in fractions of 11:59
 12 millimeters, just very subtle details. 11:59
 13 But as far as I recollect, there's nothing 11:59
 14 that comes to mind. 11:59
 15 MS. MCNEILL: Q. And can you recall 11:59
 16 generally any slight tweaks or changes that any 11:59
 17 industrial design team made as a result of the 11:59
 18 feedback that they were given about the manufacturing 11:59
 19 process? 11:59
 20 A None that I can recollect. 11:59
 21 **Q And can you recall the feedback that you gave 11:59**
 22 **to the industrial design team with respect to the 11:59**
 23 **original iPhone's bezel -- the manufacturability of 11:59**
 24 **the original iPhone's bezel, I should say? 11:59**
 25 A I don't remember specific feedback that I 11:59
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1 **to the industrial design team with respect to the 12:09**
 2 **substantial black borders on Apple products? 12:09**
 3 A In particular to the iPhone, I know that we 12:09
 4 give them feedback that we could change that -- that 12:09
 5 black border to -- to certain dimensions that they 12:09
 6 were asking for, and we give them some options, but 12:09
 7 ultimately, they decided what it needed to be -- what 12:09
 8 they wanted it to be. 12:09
 9 **Q And what was the feedback that you gave them 12:09**
 10 **about the borders? 12:09**
 11 MR. MONACH: Objection; asked and answered. 12:10
 12 You can do it again. 12:10
 13 THE WITNESS: Yeah. I mean, I especially 12:10
 14 remember them asking us to look at different steps in 12:10
 15 the width of the black border. We provided an 12:10
 16 analysis, and then they ultimately decided what they 12:10
 17 want the black border width to be. 12:10
 18 MS. MCNEILL: Q. And did the analyses that 12:10
 19 your team provided the industrial design team, to your 12:10
 20 knowledge, guide their decision about how the black 12:10
 21 border should be? 12:10
 22 MR. MONACH: Objection; lack of foundation. 12:10
 23 THE WITNESS: From what I recollect, it was 12:10
 24 basically possible to do it in the different width 12:10
 25 that they requested. It was ultimately their decision 12:10
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1 to choose which one they wanted. 12:10
 2 MS. MCNEILL: Q. And did they consider your 12:10
 3 feedback and the data that your team provided in 12:10
 4 coming to that decision, to your knowledge? 12:10
 5 A To my knowledge, not that I know of. 12:10
 6 **Q Can you think of another reason why they 12:10**
 7 **would ask you to perform that research other than to 12:10**
 8 **consider the results of it? 12:11**
 9 MR. MONACH: Object to the form of the 12:11
 10 question as vague and calling for speculation. 12:11
 11 THE WITNESS: Again, as to why they would ask 12:11
 12 me, I am responsible for product design on phones, so 12:11
 13 they wanted us to understand the manufacturing 12:11
 14 feasibility, the design feasibility of it. 12:11
 15 MS. MCNEILL: Q. And your understanding 12:11
 16 about the manufacturing and design feasibility of the 12:11
 17 black borders, is that the -- what is your 12:11
 18 understanding about the manufacturing and design 12:11
 19 feasibility of the black borders? 12:11
 20 MR. MONACH: Objection; vague; asked and 12:11
 21 answered to some degree. 12:11
 22 You can do it again. 12:11
 23 THE WITNESS: So from what I recollect, 12:11
 24 basically, their request was to look at different 12:11
 25 border width, and we provided analysis -- 12:11
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1 MS. MCNEILL: Q. What were the different 12:11
 2 widths that were -- 12:11
 3 MR. MONACH: I don't think he was finished. 12:11
 4 Go ahead. 12:11
 5 THE WITNESS: And it was basically the 12:11
 6 industrial design team who ultimately decided what 12:11
 7 they wanted. 12:12
 8 MS. MCNEILL: Q. And what were the different 12:12
 9 widths that were presented? 12:12
 10 A I can't remember the specifics of the widths. 12:12
 11 It's been a few years. 12:12
 12 **Q And can you remember any manufacturing 12:12**
 13 **constraints or issues with respect to any of the 12:12**
 14 **widths that the industrial design team provided you 12:12**
 15 **with? 12:12**
 16 A Honestly, I can't remember, and -- yeah. 12:12
 17 **Q Directing your attention back to 12:12**
 18 **Exhibit 2102, line 12, do you see where it says: 12:12**
 19 **"A matrix of colorful square icons with 12:12**
 20 **evenly rounded corners." 12:12**
 21 A I do see that statement on line 12, yes. 12:12
 22 **Q Did you provide any manufacturability 12:12**
 23 **feedback to the industrial design team about that 12:12**
 24 **aspect of Apple's product design? 12:12**
 25 A No. 12:13
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1 **Q Can you identify any specific source of the 12:13**
 2 **design that ultimately became the iPad? 12:13**
 3 MR. MONACH: Objection; lack of foundation; 12:13
 4 outside the scope of the 30(b)(6). 12:13
 5 You can testify to your knowledge or 12:13
 6 understanding. 12:13
 7 THE WITNESS: Again, I'm not part of the 12:13
 8 industrial design group. I can't tell, no. 12:13
 9 MS. MCNEILL: Q. Do you have any independent 12:13
 10 recollection about the design process of the iPad? 12:13
 11 A Do you have any -- not -- 12:13
 12 MR. MONACH: Same -- pardon -- same 12:13
 13 objection. 12:13
 14 THE WITNESS: So I did not work on the 12:13
 15 development of iPad 1 and iPad 2, so... 12:13
 16 MS. MCNEILL: Q. Did you work on the 12:13
 17 development of a tablet computer in your early tenure 12:14
 18 at Apple? 12:14
 19 A Yes, I did. 12:14
 20 **Q And approximately when did you begin working 12:14**
 21 **on the tablet computer? 12:14**
 22 A I can't recollect exactly, to be honest. 12:14
 23 **Q Would you recollect the general year that you 12:14**
 24 **began work on the tablet computer? 12:14**
 25 A I can't recollect the exact year. 12:14
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CERTIFICATE OF REPORTER

I, ANDREA M. IGNACIO HOWARD, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth, and nothing but the truth in the within-entitled cause;

That said deposition was taken in shorthand by me, a Certified Shorthand Reporter of the State of California, and was thereafter transcribed into typewriting, and that the foregoing transcript constitutes a full, true and correct report of said deposition and of the proceedings which took place;

That I am a disinterested person to the said action.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of March 2012.

ANDREA M. IGNACIO HOWARD, RPR, CCRR, CLR, CSR No. 9830

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I N D E X

DEPOSITION OF TANG YEW TAN

EXAMINATION PAGE BY MS. MCNEILL 5

E X H I B I T S

Table listing exhibits: Exhibit 2100 Samsung's Amended First 30(b)(6) Deposition Notice to Apple Inc. (Design and Trade Dress Topics); 10 pgs. 6; Exhibit 2101 Black & White Photos, Bates Nos. APLNDC-NCC00000274 - '76; 3 pgs. 37; Exhibit 2102 Amended Complaint for Federal False Designation of Origin and Unfair competition, Federal Trademark Infringement, Federal Trade Dress Dilution, State Unfair Business Practices, Common Law Trademark Infringement, Unjust Enrichment, and Patent Infringement; 64 pgs. 49

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E X H I B I T S (Continued.)

Table listing exhibits: Exhibit 2103 Black & White Photos, Bates Nos. APLPROS0000018778 - '98; 21 pgs. 79; Exhibit 2104 Apple Confidential - Need to Know Q79 Vision, Bates Nos. APLNDC00011071 - '75; 5 pgs. 81; Exhibit 2105 12-7-03 E-mail String, Subject: Picvue Visit preparation, Bates Nos. APLNDC00033885 - '87; 3 pgs. 83; Exhibit 2106 12-11-03 E-mail String, Subject: Wintek 12_11_03 update, Bates Nos. APLNDC00033903 - '09; 7 pgs. 86; Exhibit 2107 1-9-04 E-mail String, Subject: Re: Active area of display, Bates Nos. APLNDC0002237653 - '54; 2 pgs. 88; Exhibit 2108 5-25-04 E-mail String, Subject: Re: ESD for Q79 Zephyr, Bates Nos. APLNDC0001247400 - '401; 2 pgs. 92; Exhibit 2109 9-20-04 E-mail String, Subject: Re: Picvue, Bates Nos. APLNDC00033643 - '645; 3 pgs. 95

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E X H I B I T S (Continued.)

Table listing exhibits: Exhibit 2110 9-21-04 E-mail String, Subject: Re: RD's opinion about the technology of capacitive T/P, Bates Nos. APLNDC00033646 - '51; 6 pgs. 95

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