

# Exhibit 5

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

APPLE INC., a California  
Corporation,

Plaintiff,

Case No.

vs.

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.

CONFIDENTIAL OUTSIDE COUNSEL ONLY  
PURSUANT TO PROTECTIVE ORDER

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

REPORTED BY:  
CYNTHIA MANNING, CSR No. 7645, CLR, CCRR  
JOB NO. 46227

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1 Tuesday, February 7, 2012  
 2 3:52 p.m.  
 3  
 4  
 5 Deposition of JONATHAN IVE, taken on  
 6 behalf of Defendants, at 50 California Street,  
 7 San Francisco, California, before Cynthia  
 8 Manning, Certified Shorthand Reporter No. 7645,  
 9 Certified LiveNote Reporter, California Certified  
 10 Realtime Reporter.  
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1 SAN FRANCISCO, CALIFORNIA;  
 2 Tuesday, February 7, 2012; 3:52 P.M.  
 3  
 4 THE VIDEOGRAPHER: This is the start of  
 5 Disk No. 1 of the videotaped deposition of 15:52  
 6 Jonathan Ive, in the matter of Apple  
 7 Incorporated, versus Samsung Electronics Company,  
 8 et al., in the United States District Court,  
 9 Northern District of California, San Jose  
 10 Division, Case No. 11-CV-01846 LHK. 15:52  
 11 This deposition is being held at 50  
 12 California Street, San Francisco, California on  
 13 February 7th, 2012, at approximately 4:53 p.m.  
 14 MR. JACOBS: 3:53.  
 15 THE VIDEOGRAPHER: 3:53. Sorry. 15:53  
 16 My name is Tim Zurloff. I'm the legal  
 17 video specialist from TSG Reporting,  
 18 Incorporated, headquartered at 747 Third Avenue,  
 19 New York, New York.  
 20 The court reporter is Cynthia Manning, 15:53  
 21 in association with TSG Reporting.  
 22 Will counsel please introduce  
 23 yourselves.  
 24 MR. ZELLER: Mike Zeller for Samsung.  
 25 MR. HALL: Scott Hall for Samsung. 15:53

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1 APPEARANCES:  
 2  
 3 FOR PLAINTIFF:  
 4  
 5 MORRISON & FOERSTER, LLP  
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 ALSO PRESENT:  
 Erica Tierney, Esq., Apple Inc.  
 Tim Zurloff, Videographer

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1 MR. KIDMAN: Scott Kidman for Samsung. 15:53  
 2 MR. JACOBS: Michael Jacobs for Apple.  
 3 MR. HO: Francis Ho for Apple.  
 4 MS. TIERNEY: Erica Tierney for Apple.  
 5 THE VIDEOGRAPHER: Will the court 15:53  
 6 reporter please swear in the witness.  
 7  
 8 JONATHAN IVE,  
 9 having first been duly sworn, testified  
 10 as follows: 15:53  
 11  
 12 MR. ZELLER: And so we have it on the  
 13 record, what we're doing here is we are now  
 14 switching over to the Northern District of  
 15 California deposition portion of Mr. Ive's day. 15:53  
 16 And for the record, I hadn't finished  
 17 my questioning in the ITC proceeding. But in  
 18 light of the fact that the witness is recovering  
 19 from a cold or flu, as well as the fact that we  
 20 don't want to overtax him, I decided I would 15:54  
 21 switch over.  
 22 Obviously, I'm reserving my rights in  
 23 terms of what we do going forward on the  
 24 remainder of the ITC proceedings. But in the  
 25 interest of addressing and acting pursuant to 15:54

Page 289	<p>1 for the development of that model that you have 16:38</p> <p>2 in front of you? In other words, was there</p> <p>3 something in particular that designers were</p> <p>4 looking for?</p> <p>5 A. I -- I don't know. 16:38</p> <p>6 MR. ZELLER: Let's please mark as</p> <p>7 Exhibit 1453 another tangible object. It is</p> <p>8 labeled "Apple Proto 0399."</p> <p>9 (Deposition Exhibit 1453 was marked for</p> <p>10 identification) 16:38</p> <p>11 THE WITNESS: Thank you.</p> <p>12 BY MR. ZELLER:</p> <p>13 Q. And please let me know when you've had</p> <p>14 a chance to look at that item.</p> <p>15 A. (Witness reviewing object.) 16:38</p> <p>16 Okay. I've had a look.</p> <p>17 Q. And if you could, please, actually for</p> <p>18 the record, hold that one up and show the video</p> <p>19 camera.</p> <p>20 A. (Witness complies.) 16:39</p> <p>21 Q. And do you recognize what this item is</p> <p>22 that we've marked as Exhibit 1453?</p> <p>23 A. I recognize this as a model that was</p> <p>24 made for -- for the industrial design team. And</p> <p>25 I recognize it as an early exploration for the 16:39</p>	Page 290	<p>1 iPhone, the first iPhone development. 16:39</p> <p>2 Q. And is the model, or three-dimensional</p> <p>3 item that you have there that we marked as</p> <p>4 Exhibit 1453, is that in the vein of the design</p> <p>5 that was shown in the CAD drawings attached to 16:40</p> <p>6 Mr. Stringer's declarations, namely, Exhibits 1</p> <p>7 through 4?</p> <p>8 A. I would say this -- this model has a</p> <p>9 lot of similarities to -- to the CAD drawings</p> <p>10 that I saw in Mr. Stringer's declaration 1 16:40</p> <p>11 through -- was it 1 through 4?</p> <p>12 Q. Yes.</p> <p>13 A. Yes. There are similarities.</p> <p>14 Q. Do you recall there being models that</p> <p>15 you saw, back when this exploration was being 16:40</p> <p>16 done for the first iPhone, that were closer to</p> <p>17 those CAD drawings than the model that we've</p> <p>18 marked there as 1453?</p> <p>19 A. I don't recall. There may have been</p> <p>20 models that were closer. This may have been the 16:41</p> <p>21 closest. I don't recall which of the CAD</p> <p>22 drawings we then decide to make a model from.</p> <p>23 Q. Do you have a sense of how many models</p> <p>24 you saw of different iterations of the design of</p> <p>25 the type that's there that's been marked as 1453? 16:41</p>
Page 291	<p>1 MR. JACOBS: Objection; form. 16:41</p> <p>2 THE WITNESS: I can't recall how many</p> <p>3 models, as a team, that we would have looked at</p> <p>4 and evaluated that were in the category or the</p> <p>5 family of designs that I think were described by 16:42</p> <p>6 the 1 through 4 exhibits in Mr. Stringer's</p> <p>7 declaration. But it would have -- my vague</p> <p>8 recollection, it would have been more than 10.</p> <p>9 MR. ZELLER: Let's please mark as</p> <p>10 Exhibit 1454 a three-dimensional item, or 16:42</p> <p>11 tangible, that's labeled Apple Proto 3 -- 0383.</p> <p>12 Again, that's "Apple Proto 0383."</p> <p>13 (Deposition Exhibit 1454 was marked for</p> <p>14 identification)</p> <p>15 BY MR. ZELLER:</p> <p>16 Q. And if you can please let us know when</p> <p>17 you've had a chance to examine Exhibit 1454.</p> <p>18 A. (Witness reviewing object.)</p> <p>19 I've had a chance to look at that.</p> <p>20 Q. Do you recognize that model that we 16:43</p> <p>21 marked as Exhibit 1454?</p> <p>22 A. I don't actually recall seeing this</p> <p>23 model or remember talking about this model.</p> <p>24 I recognize it as a model that was made</p> <p>25 and finished for the industrial design team, but 16:43</p>	Page 292	<p>1 I have less recollection about this model and its 16:43</p> <p>2 place in the development process for the</p> <p>3 different generations of iPhone.</p> <p>4 Q. And also, for record purposes, if you</p> <p>5 could please hold that one up and show it to the 16:44</p> <p>6 camera, that would be helpful.</p> <p>7 A. (Witness complies.)</p> <p>8 Q. And you'll see on this prototype</p> <p>9 that -- or model that we marked as</p> <p>10 Exhibit 1454 -- that the corners are not rounded; 16:44</p> <p>11 but, rather, more of -- more of a straight edge?</p> <p>12 A. Yes. The four -- the four corners in</p> <p>13 the plan view have a -- I don't know the best way</p> <p>14 of describing it -- but a flat chamfer. There is</p> <p>15 a radius that connects that chamfer to the main 16:44</p> <p>16 -- you know, to the horizontal and vertical</p> <p>17 perimeter of the product.</p> <p>18 Q. And do you recall what was being</p> <p>19 explored by having the corners in that manner?</p> <p>20 A. No, I don't recall specifically what we 16:45</p> <p>21 were exploring or examining here, other than</p> <p>22 this -- this being very typical of our process,</p> <p>23 which is to be exploring the many -- the many</p> <p>24 alternative solutions that there are to design an</p> <p>25 iPhone. 16:45</p>

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<p>1 question. 17:00</p> <p>2 Q. Sure.</p> <p>3 A. You're asking what's the motivation to</p> <p>4 have a non-flat surface -- as a designer, what</p> <p>5 would the motivation be? 17:00</p> <p>6 Q. Pretty close. That's one way of</p> <p>7 looking at it. I wasn't necessarily looking so</p> <p>8 much to motivation; but, rather, what -- why</p> <p>9 would a designer, such as yourself, want to</p> <p>10 create a design for an electronic device like 17:00</p> <p>11 this that doesn't have a completely flat surface</p> <p>12 on the front, but rather is more complex of the</p> <p>13 kind that the model that we marked as Exhibit</p> <p>14 1455 has.</p> <p>15 I mean just purely from a design 17:01</p> <p>16 perspective, what do you think that accomplishes,</p> <p>17 as compared to a completely flat surface?</p> <p>18 A. Well, I think this -- this -- this</p> <p>19 model, as described as 1455, I think is -- is</p> <p>20 consistent with constantly exploring 17:01</p> <p>21 alternatives.</p> <p>22 And I know that we have explored</p> <p>23 alternatives that relate to surface.</p> <p>24 We've explored alternatives that relate</p> <p>25 to the perimeter shape, to the section. 17:01</p>	<p>1 So when you ask me why -- why would a 17:01</p> <p>2 designer make this model, to answer that question</p> <p>3 properly, I think you have to understand its</p> <p>4 context in design explorations that are</p> <p>5 constantly happening. 17:02</p> <p>6 And so this is one -- this represents</p> <p>7 one of many design explorations. I don't know</p> <p>8 for which product. I don't know when this</p> <p>9 occurred. But I know that it's typical of</p> <p>10 constantly exploring. 17:02</p> <p>11 Q. And I guess one way of what I'm trying</p> <p>12 to really drive at here is, just purely from a</p> <p>13 design aesthetic point of view, is there anything</p> <p>14 that you see that's better or worse about having</p> <p>15 a completely flat front surface of the kind that 17:02</p> <p>16 the original iPhone had, the first iPhone had, as</p> <p>17 compared to the more complex and not completely</p> <p>18 flat surface that the model we've marked as</p> <p>19 Exhibit 1455 has?</p> <p>20 MR. JACOBS: Objection; form. 17:02</p> <p>21 THE WITNESS: Could you ask me that</p> <p>22 again, please? There were a number of questions.</p> <p>23 BY MR. ZELLER:</p> <p>24 Q. Sure. And I'm just -- for the record,</p> <p>25 I'm just asking, basically, a comparison of this 17:03</p>
Page 303	Page 304
<p>1 flat versus non-flat surface between the first 17:03</p> <p>2 iPhone and then the model we've marked as Exhibit</p> <p>3 1455.</p> <p>4 And what I'm asking is, is just purely</p> <p>5 from your own aesthetic designer point of view, 17:03</p> <p>6 what's the advantage or disadvantage of having a</p> <p>7 more complex non-flat surface of the type that's</p> <p>8 shown in that model, as compared to having a</p> <p>9 completely flat one?</p> <p>10 A. Well, they're certainly different. And 17:03</p> <p>11 it's difficult to compare these -- these two</p> <p>12 objects, because the aspect ratio is so</p> <p>13 different.</p> <p>14 But there is certainly an appearance</p> <p>15 difference, and I think that there is something 17:03</p> <p>16 particularly beautiful about a very flat surface,</p> <p>17 and particularly when it is a singular part, and</p> <p>18 particularly when that singular part extends</p> <p>19 right to the very perimeter of the product.</p> <p>20 And so there is a -- there's an 17:04</p> <p>21 appearance difference, and we've chosen and</p> <p>22 developed designs that are -- have this single</p> <p>23 clear part that's flat because we think it's</p> <p>24 particularly beautiful.</p> <p>25 Q. Are there any -- 17:04</p>	<p>1 MR. JACOBS: Would you like a couple 17:04</p> <p>2 minutes or do you want to press on through?</p> <p>3 THE WITNESS: If it's possible to take</p> <p>4 a couple of minutes, that would be great.</p> <p>5 MR. ZELLER: Sure. Let's do that. 17:05</p> <p>6 THE VIDEOGRAPHER: We're now going off</p> <p>7 the record. The time is 5:05 p.m.</p> <p>8 (Recess taken)</p> <p>9 THE VIDEOGRAPHER: We're now back on</p> <p>10 the record. The time is 5:20 p.m. 17:20</p> <p>11 MR. ZELLER: Let's please mark as</p> <p>12 Exhibit 1457 a two-page document bearing Bates</p> <p>13 Nos. APLNDC0001203443 through 444. The top of</p> <p>14 the first page is an e-mail from the witness to</p> <p>15 Chris Stringer, dated July 16, 2008, with the 17:20</p> <p>16 subject of SJ.</p> <p>17 (Deposition Exhibit 1457 was marked for</p> <p>18 identification)</p> <p>19 THE WITNESS: Thank you.</p> <p>20 BY MR. ZELLER: 17:21</p> <p>21 Q. And let me know when you've had a</p> <p>22 chance to look at Exhibit 1457.</p> <p>23 A. (Witness reviewing document.)</p> <p>24 MR. JACOBS: Mike, just so I</p> <p>25 understand, how does this fit into your letter 17:21</p>

Page 305	<p>1 about today's two-hour deposition? 17:21</p> <p>2 MR. ZELLER: I thought it was</p> <p>3 mentioned, wasn't it?</p> <p>4 MR. HALL: We --</p> <p>5 MR. ZELLER: Was this marked before? 17:22</p> <p>6 MR. HALL: It wasn't sent in the</p> <p>7 letter, but it was marked before.</p> <p>8 MR. ZELLER: I guess the answer is it</p> <p>9 wasn't in the letter, but I'm not going to be</p> <p>10 dwelling on it, if you want to know. 17:22</p> <p>11 MR. JACOBS: So I object to you</p> <p>12 discussing it with the witness, but I won't be --</p> <p>13 you have 43 minutes left, so.</p> <p>14 BY MR. ZELLER:</p> <p>15 Q. Have you had a chance to look here at 17:22</p> <p>16 Exhibit 1457?</p> <p>17 A. Yes, I have.</p> <p>18 Q. And if you -- first of all, do you</p> <p>19 recognize these pages as a series of e-mail</p> <p>20 exchanges you had with Chris Stringer back in the 17:22</p> <p>21 July of 2008 time period?</p> <p>22 A. I recognize that this is a -- an</p> <p>23 exchange, multiple exchange between Chris</p> <p>24 Stringer and myself. I have no recollection of</p> <p>25 the -- the content of the meeting that Chris is 17:23</p>	Page 306	<p>1 referring to. 17:23</p> <p>2 Q. And then if you take a look at the</p> <p>3 second page, this is an e-mail dated July 16th,</p> <p>4 2008, and it starts off with "Jony"?</p> <p>5 A. Yes, I see that. 17:23</p> <p>6 Q. And then about halfway down, there's</p> <p>7 the heading "tablet."</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. And Item 1 is -- it says (reading): 17:23</p> <p>11 "Saw quick surface study D.C. and I did</p> <p>12 on the margins being slimmer in X. He</p> <p>13 likes the recent model that you last</p> <p>14 saw most that has the short margins</p> <p>15 being 2 millimeters wider than the long 17:23</p> <p>16 margins to accommodate the audio jack."</p> <p>17 Do you see that?</p> <p>18 A. Yes, I see that.</p> <p>19 Q. First, is the -- is the tablet</p> <p>20 reference here to the iPad? 17:23</p> <p>21 A. That's my -- that would be my</p> <p>22 assumption, that he's talking about the -- an</p> <p>23 iPad, or an iPad study.</p> <p>24 Q. And then do you know what he's</p> <p>25 referring to here where he says short margins 17:24</p>
Page 307	<p>1 being 2 millimeters wider than the long margins 17:24</p> <p>2 to accommodate the audio jack?</p> <p>3 A. No, I don't -- I don't know what he</p> <p>4 means by margins.</p> <p>5 Q. So I take it you don't have an 17:24</p> <p>6 understanding as to what he's referring to here</p> <p>7 in Item 1 that we talked about, or that I read?</p> <p>8 A. I understand some aspects of what he's</p> <p>9 saying, but I don't know -- I'm not familiar with</p> <p>10 the term short or long margins. I'm not familiar 17:25</p> <p>11 with Chris using that term, and I would be</p> <p>12 unclear about what he meant.</p> <p>13 Q. And here it refers to a surface study</p> <p>14 D.C. and I did. Do you know what he's referring</p> <p>15 to there? 17:25</p> <p>16 A. I understand what those words mean. So</p> <p>17 D.C. refers to one of the industrial designers,</p> <p>18 Danny Coster.</p> <p>19 Q. And what's a surface study?</p> <p>20 A. A surface study is a -- in this 17:25</p> <p>21 context, it's a -- a very broad description of an</p> <p>22 exploration into form, and it can -- it's a -- my</p> <p>23 understanding, and the way that we use the term</p> <p>24 in the design team, it can describe an</p> <p>25 exploration into a small detail or a -- a larger 17:26</p>	Page 308	<p>1 complete surface. 17:26</p> <p>2 And typically a study would be carried</p> <p>3 out in CAD and then partial models made. So very</p> <p>4 often a surface study would be just cut on the</p> <p>5 CNC machine, very often not painted. So it's 17:27</p> <p>6 just an exploration into one aspect or one</p> <p>7 attribute of -- of a design.</p> <p>8 Q. Is there anything else that you -- that</p> <p>9 you recall or -- or understand from -- from what</p> <p>10 he's referring to here on this -- this particular 17:27</p> <p>11 instance where these margins were being made 2</p> <p>12 millimeters -- 2 millimeters wider than the long</p> <p>13 margins to accommodate the audio jack?</p> <p>14 A. No, I don't understand that without</p> <p>15 understanding the context or having a telephone 17:27</p> <p>16 conversation or a conversation.</p> <p>17 MR. ZELLER: Let's please mark as</p> <p>18 Exhibit 1458 a collection of drawings that are</p> <p>19 also known as MCOs. That's the acronym M-C-O.</p> <p>20 (Deposition Exhibit 1458 was marked for 17:28</p> <p>21 identification)</p> <p>22 THE WITNESS: Thank you.</p> <p>23 BY MR. ZELLER:</p> <p>24 Q. And I have some particular questions</p> <p>25 for you on these, but if you could first just 17:28</p>

<p style="text-align: right;">Page 329</p> <p>1 time is 6:06 p.m. 18:06                  2 (Time noted: 6:06 p.m.)                  3                  4                  5                  6                  7                  8                  9                  10                  11                  12                  13                  14                  15                  16                  17                  18                  19                  20                  21                  22                  23                  24                  25</p>	<p style="text-align: right;">Page 330</p> <p>1                  2 DECLARATION UNDER PENALTY OF PERJURY                  3                  4 I, JONATHAN IVE, do hereby certify under                  5 penalty of perjury that I have read the foregoing                  6 transcript of my deposition taken on February 7,                  7 2012; that I have made such corrections as appear                  8 noted herein in ink, initialed by me; that my                  9 testimony as contained herein, as corrected, is                  10 true and correct.                  11                  12 DATED this day of                  13 2012, at , California.                  14                  15                  16                  17                  18 JONATHAN IVE                  19                  20                  21                  22                  23                  24                  25</p>
<p style="text-align: right;">Page 331</p> <p>1                  2 IN THE MATTER OF: Apple Inc v. Samsung Electronics                  3 Company Limited                  4                  5 DATE: Tuesday, February 07, 2012                  6 WITNESS: Jonathan Ive                  7 Reason codes:                  8 1. To clarify the record.                  9 2. To conform to the facts.                  10 3. To correct transcription errors.                  11                  12 Page Line Reason                  13 From to                  14 Page Line Reason                  15 From to                  16 Page Line Reason                  17 From to                  18 Page Line Reason                  19 From to                  20                  21                  22                  23                  24                  25 JONATHAN IVE</p>	<p style="text-align: right;">Page 332</p> <p>1                  2 STATE OF CALIFORNIA )                  3 :ss                  4 COUNTY OF SAN MATEO )                  5 I, CYNTHIA MANNING, a Certified Shorthand                  6 Reporter of the State of California, do hereby                  7 certify:                  8 That the foregoing proceedings were taken                  9 before me at the time and place herein set forth;                  10 that any witnesses in the foregoing proceedings,                  11 prior to testifying, were placed under oath; that                  12 a verbatim record of the proceedings was made by                  13 me using machine shorthand which was thereafter                  14 transcribed under my direction; further, that the                  15 foregoing is an accurate transcription thereof.                  16 I further certify that I am neither                  17 financially interested in the action, nor a                  18 relative or employee of any attorney of any of                  19 the parties.                  20                  21 IN WITNESS WHEREOF, I have subscribed                  22 my name this 7th day of February 2012.                  23                  24                  25 CYNTHIA MANNING, CSR No. 7645, CCRR, CLR</p>