

EXHIBIT 9
FILED UNDER SEAL

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

3
4 APPLE INC., a California)
corporation,)

5)
6 Plaintiff,)

7 vs.)

Case No.
11-CV-01846-LHK

8 SAMSUNG ELECTRONICS CO.,)

LTD., a Korean business)

9 entity; SAMSUNG ELECTRONICS)

AMERICA, INC., a New York)

10 corporation; SAMSUNG)

TELECOMMUNICATIONS AMERICA,)

11 LLC, a Delaware limited)

liability company,)

12 Defendants.)

13
14 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

15 VIDEOTAPED DEPOSITION OF KARAN SINGH, PH.D.

16 Redwood Shores, California

17 Thursday, April 26, 2012

18 Volume I

19
20
21 Reported by:

Danielle de Gracia

22 CSR No. 13650

23 Job No. 143641

24
25 PAGES 1 - 285

1 THE WITNESS: My definition of what --
2 the -- the -- sort of the plain English language
3 meaning of embedded to me means that something exists
4 inside something else.

5 BY MR. BRIGGS: 12:57:30

6 Q Okay. With that meaning, can a electronic
7 document have another electronic document embedded
8 within it?

9 MR. MONACH: Objection. Vague.

10 THE WITNESS: Again, it depends on how you 12:57:45
11 define embedding because embedding, you can talk of
12 embedding at -- at a visual level, and you can talk
13 of embedding perhaps at a -- at a machine level. So
14 it really needs to be -- it would be need to be
15 clarified. 12:58:08

16 BY MR. BRIGGS:

17 Q So can an -- an electronic document have
18 another electronic document embedded within it at the
19 machine level?

20 MR. MONACH: Objection. Vague. 12:58:22

21 THE WITNESS: At the machine level, if it
22 did, then the -- the overall document -- at the
23 machine level, I mean, you can take -- at the machine
24 level everything is -- is -- is a bunch of -- of
25 bits. 12:58:59

1 You could take any -- any combination of
2 bits and -- and put them inside another combination
3 of bits, absolutely. Whether that would be
4 intelligible to the computer anymore is a different
5 question.

12:59:14

6 BY MR. BRIGGS:

7 Q What's the difference between an electronic
8 document and a structured electronic document?

9 MR. MONACH: Object to the form of the
10 question.

12:59:25

11 THE WITNESS: A structured electronic
12 document is an electronic document which when -- when
13 parsed and -- and displayed by the computer has
14 regions and structure that has some semantic meaning
15 to the human viewing it.

12:59:48

16 BY MR. BRIGGS:

17 Q And how does that differ than an electronic
18 document?

19 MR. MONACH: Object to the form.

20 THE WITNESS: The lack of structure in just
21 a plain electronic document.

01:00:09

22 BY MR. BRIGGS:

23 Q So is it your position that an electronic
24 document does not have structure in it?

25 MR. MONACH: Objection. Incom- --

01:00:35

1 incomplete hypothetical.

2 THE WITNESS: No, I did not say that. I
3 mean, a structured electronic document is also an
4 electronic document. So clearly you cannot say that
5 an electronic document cannot have structure in it. 01:00:47

6 BY MR. BRIGGS:

7 Q So is a structured electronic document a
8 subset of electronic document?

9 A Yes, I believe so.

10 Q So if we -- we were to draw a Venn diagram, 01:01:09
11 the -- the big circle would have electronic document
12 in it, and there would be a smaller circle with
13 structured electronic document within it?

14 A It may not be a smaller circle, but it
15 certainly would not be a bigger circle. 01:01:23

16 Q So are there electronic documents that are
17 not structured electronic documents?

18 MR. MONACH: Object -- object to form.

19 THE WITNESS: That would depend on the
20 pers- -- say that again. Sorry. Can you repeat 01:01:44
21 that?

22 BY MR. BRIGGS:

23 Q Are there electronic documents that are not
24 structured electronic documents?

25 MR. MONACH: Object to the form of the 01:02:01

1 question.

2 THE WITNESS: In the context of the '163
3 patent, yes.

4 BY MR. BRIGGS:

5 Q Why do you qualify your answer within the 01:02:13
6 context of the '163 patent?

7 A Because the '163 patent deals with a
8 specific area of talking about -- about -- about
9 readability of structured electronic documents, and
10 so it sort of sets the context for the kind of 01:02:48
11 structure that -- that a person of ordinary skill in
12 the art would be -- would look for in such -- in such
13 documents under -- yes.

14 Q Can -- can you, in the context of the '163
15 patent, could you give me an example of an electronic 01:03:12
16 document that's not a structured electronic document?

17 MR. MONACH: Object to the form of the
18 question. Incomplete hypothetical to the extent it
19 calls for a legal conclusion.

20 THE WITNESS: In the context of the '163 01:03:30
21 patent, an electronic document that -- that -- that
22 does not necessarily have the -- the -- the -- have
23 the sort of -- the -- the structure that the -- that
24 the '163 is talking about would -- would sort of
25 be -- it would just be a default. Yeah, it would 01:04:06

1 just be a -- a document, yeah, which -- which had --
2 yeah, it was structureless, yes.

3 BY MR. BRIGGS:

4 Q Can you give me any examples of electronic
5 documents that are not structured electronic 01:04:36
6 documents in the context of the '163 patent?

7 A A music file.

8 Q Any other examples?

9 A Well, that's one. A file containing
10 three-dimensional graphical objects, strictly 01:05:10
11 three-dimensional graphical data.

12 Q Any others?

13 A Well, at least those.

14 Q At least those. So why wouldn't a music
15 file be a structured electronic document? 01:05:28

16 MR. MONACH: Object to the form of the
17 question. Incomplete hypothetical.

18 BY MR. BRIGGS:

19 Q In the context of the '163 patent.

20 A In the context of the '163 patent. 01:05:38

21 Theoretically, there is nothing that precludes it.

22 However, a person of ordinary skill in the art

23 would -- would typically not associate the -- the

24 sort of box-like structure that -- that is intended

25 in the '163 patent with something such as a -- a 01:06:29

1 music file. Typically, music files do not -- are
2 not -- do not have that inherent, at least
3 inherently, have that -- have that structure
4 associated with them.

5 You could conceive of creating such a 01:06:49
6 situation, but that's -- that's -- that's something
7 that goes beyond what a person of ordinary skill in
8 art would understand.

9 Q So a music file could conceivably be a
10 structured electronic document? 01:07:15

11 MR. MONACH: Objection. Incomplete
12 hypothetical.

13 THE WITNESS: I -- I think a person of
14 ordinary skill in the art would say -- would say not
15 given the -- given the current understanding of music 01:07:26
16 files.

17 BY MR. BRIGGS:

18 Q Now, why isn't a file containing strictly
19 three-dimensional data a structured electronic
20 document? 01:07:46

21 MR. MONACH: Object to the form of the
22 question.

23 THE WITNESS: Well, by strictly -- strictly
24 three-dimensional data, I mean, sort of the raw data
25 that -- that often is the result of -- of -- of 01:07:59

1 three-dimensional acquisition techniques where you
2 get a number of points. And by itself, it's just
3 a -- a big cloud of unstructured points which by
4 itself, to me, does not -- does not -- unless --
5 unless further worked on, it does not by itself 01:08:27

6 disclose any structure.

7 BY MR. BRIGGS:

8 Q Now, when you formulated your view
9 of what -- or your position of what a structured
10 electronic document means in the context of the '163 01:08:50
11 patent, did you review the inventor testimony?

12 A If I did it would be cited in my report.
13 Maybe I can look for it.

14 Q Rather than looking at the report -- I don't
15 remember seeing it in there either -- let me ask you 01:10:10
16 this question.

17 A Okay.

18 Q Richard Williamson is an inventor on the
19 '163 patent, correct?

20 A Yes. 01:10:20

21 Q During his deposition when he was asked what
22 is a structured electronic document, he stated, "A
23 structured document is something that has a visual
24 structure with structurally interesting components,
25 and there are many examples of a structured 01:10:37

1 electronic document, whether it be a PDF document
2 with an imposed structure or whether it be a Web page
3 with a structure, or an -- an .rtf document. So a
4 structured document is something that, you know, a
5 normal human can look at and identify areas of 01:10:53
6 interest."

7 Do you agree with that definition?

8 A By and large.

9 Q Okay.

10 A I would like to qualify that I think 01:11:07
11 Mr. Williamson was sort of assuming that -- that that
12 structure, not only was it -- it visually apparent to
13 the human, but in the examples that he gave, that
14 that structure existed in the document itself.

15 Q Can -- can you describe what you mean by 01:11:39
16 that?

17 A Yes. An example would be that -- would be
18 that Web pages have explicit HTML. Web pages have
19 explicit tags such as a division that -- that allow
20 visually salient areas of content to be grouped 01:12:04
21 together, and that information is explicitly captured
22 in the document itself.

23 Q So is it your position that the document has
24 to have structural information that's not visible as
25 well as structural information that's visible? 01:12:29

1 MR. MONACH: Object to the form of the
2 question as vague and an incomplete hypothetical.
3 Calls for a legal conclusion.

4 THE WITNESS: Yeah, I'm -- I -- I -- you'd
5 have to rephrase that question for me to answer it. 01:12:39

6 BY MR. BRIGGS:

7 Q Well, in -- in the term "structured
8 electronic document," where is the structure? Is it
9 something that a human can see or is it something
10 that a human cannot see? 01:12:54

11 MR. MONACH: Object to the form of the
12 question. Vague. Incomplete hypothetical.

13 THE WITNESS: Well, it could be either. But
14 again, to -- to answer that question, clearly you --
15 you have to -- you have to qualify that with what the 01:13:08
16 human is seeing. Is the human seeing the -- the --
17 sort of the -- the machine representation of the
18 document or are they looking at the -- the visual
19 manifestation of that document once it has been
20 interpreted by a machine-readable -- a program? 01:13:37
21 So -- so which is it?

22 BY MR. BRIGGS:

23 Q I was referring to a human seeing it on the
24 display of a touch screen, for example.

25 A Right. So -- so the human is looking at -- 01:13:49

1 so -- so if I understand you correctly, the human is
2 looking at the machine-interpreted visual
3 manifestation of a structured electronic document.

4 Q Correct.

5 A Okay. Now, what's the question? Sorry. 01:14:06

6 Q So does the structured electronic document
7 have to have structure that is visible to the human
8 on the screen as well as structure that's
9 understandable by the machine but not visible to the
10 human on the screen? 01:14:27

11 MR. MONACH: Objection. Vague. Calls for a
12 legal conclusion.

13 THE WITNESS: It could be either.

14 BY MR. BRIGGS:

15 Q Now, did you see Dr. Gray's definition of 01:14:33
16 structured electronic document in his report?

17 A In his invalidity report?

18 Q Yes.

19 A I believe I must have, but I don't --

20 Q You don't recall offhand? 01:15:14

21 A I don't recall offhand.

22 Q Okay. But you don't -- you don't recall
23 whether you saw a definition by Dr. Gray and agreed
24 with it or disagreed with it?

25 A Well, if I disagreed with it, it would 01:15:23

1 probably be in my validity report.

2 Q If you had a structured electronic document
3 on a display and you enlarged the -- the structured
4 electronic document, you zoomed in on it for example,
5 and as you zoom in on it additional content is added. 01:16:09

6 Does that change the fact that the document
7 is a structured electronic document?

8 A Okay. I -- I think you -- can I have that
9 question read back to me?

10 (Record read.) 01:16:30

11 MR. MONACH: Objection. Vague.

12 THE WITNESS: I would have to ask you
13 whether the additional content you referred to is
14 additional visual content or additional electron- --
15 additional electronic content. It -- it -- 01:17:13

16 BY MR. BRIGGS:

17 Q Well, maybe you could answer under both of
18 those scenarios for me.

19 A Okay.

20 Q Sounds like your answer would be different. 01:17:23

21 A Well, it -- I would need to know where this
22 additional content was coming from. And so -- so you
23 would have to -- I'd -- I actually need you to tell
24 me where this content was coming from. Which
25 content? This -- it's somewhat hypothetical, right? 01:17:43

1 So in this hypothetical situation, you would have to
2 tell me where is this content coming from.

3 Q Okay. Let's say we had a picture.

4 A Uh-huh.

5 Q And you zoomed in on that picture. 01:17:54

6 A Uh-huh.

7 Q And as you zoomed in on that picture,
8 additional pixels were added.

9 A Uh-huh.

10 Q Would that change the fact that the 01:18:02
11 underlying electronic document is a structured
12 electronic document?

13 MR. MONACH: Objection. Vague. Incomplete
14 hypothetical.

15 THE WITNESS: In a scenario where a pixel -- 01:18:17
16 an image was displayed as being somewhat small and
17 then the image was enlarged so that pixels that were
18 in the original document were not collapsed onto a
19 single pixel but were -- but -- but occupied -- but
20 occupied multiple pixels in that specific instance, 01:18:46

21 and the -- and it was essentially -- the data was
22 part of -- was part of the same original document,
23 that would be -- so in that scenario, what was the
24 question that you -- so I've -- I've -- I've -- I've
25 para- -- I've paraphrased the scenario, but now 01:19:13

1 disagree with his defin- -- definition in this case?

2 MR. MONACH: Objection. Lack of foundation
3 and vague.

4 THE WITNESS: I -- I would actually need --
5 I would need to know all the different parameters 04:52:27
6 under which he came to that conclusion to be able
7 to -- to say anything conclusively about this.

8 BY MR. BRIGGS:

9 Q If he came to that conclusion with respect
10 to Launch Tile in the meaning of electronic document, 04:52:39
11 would you agree with that conclusion?

12 MR. MONACH: Objection. Lack of foundation
13 and vague.

14 THE WITNESS: I would -- I would really need
15 to know all the different factors that -- that -- 04:52:53
16 that led him to that conclusion. What you -- the
17 questions that you have asked me have been quite out
18 of -- they -- they -- they have had -- they have been
19 sort of hypothetical to begin with and have had no
20 context either. So it would be impossible for me 04:53:12
21 to --

22 BY MR. BRIGGS:

23 Q Well, does electronic document have a
24 well-known meaning to one of ordinary skill in the
25 art in your field? 04:53:26

1 MR. MONACH: Objection. Vague and
2 incomplete hypothetical.

3 THE WITNESS: Yes. Generally in -- in just
4 a general setting, an electronic document is -- is a
5 file in a, you know, in -- that is -- that is stored 04:53:39
6 on a computational device.

7 BY MR. BRIGGS:

8 Q So your definition of electronic document is
9 a file stored on a computational device?

10 A Well, stored on a -- on a computer storage 04:54:04
11 medium.

12 Q Does it have to be a file?

13 A Well, a file is usually some cohesive piece
14 of information. So that's one way of talking about
15 it. Yeah. 04:54:25

16 Q Can it be anything other than a file?

17 MR. MONACH: Objection. Vague. Incomplete
18 hypothetical.

19 THE WITNESS: It could be as long as there
20 was enough evidence to -- to treat them as -- as a 04:54:40
21 cohesive, something that a person of ordinary skill
22 in the art would think of as a cohesive document.

23 BY MR. BRIGGS:

24 Q Let's assume the court construed the term
25 structured electronic document to mean something that 04:54:57

1 is visually represented on a display with a define
2 set of boundaries.

3 A Visually represented on a display -- okay.

4 Q In that case -- under that hypothetical
5 construction, would Launch Tile anticipate Claim 2 of 04:55:20
6 the '163 patent?

7 MR. MONACH: Objection. Incomplete
8 hypothetical.

9 THE WITNESS: So the -- the hypothetical
10 construction of a structured electronic document that 04:55:39
11 you are giving me is just some piece of electronic
12 information that visually appears with some -- with
13 some understood boundaries. Okay.

14 So and then the question is under that --
15 under that -- 04:56:05

16 Q Construction.

17 A Construction, does Launch Tile anticipate
18 Claim 2?

19 Q Correct.

20 A I don't believe so. 04:56:16

21 Q Okay. Do you know why?

22 A At least for the reason that -- at least for
23 the reason that -- to begin with, the structure that
24 is disclosed by Launch Tile is independent of the
25 structure of any document. So what that means is 04:56:58

1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were placed under oath; that a
8 verbatim record of the proceedings was made by me
9 using machine shorthand which was thereafter
10 transcribed under my direction; further, that the
11 foregoing transcript is an accurate transcription
12 thereof.

13 I further certify that I am neither
14 financially interested in the action nor a relative
15 or employee of any attorney or party to this action.

16 IN WITNESS WHEREOF, I have this date
17 subscribed my name.

18
19 Dated: April 30, 2012

20

21

22

Danielle de Gracia

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