

EXHIBIT 4
FILED UNDER SEAL

1 UNITED STATES INTERNATIONAL TRADE COMMISSION
2 WASHINGTON, D.C.
3

4 In the Matter of:)
5 Certain Electronic Digital)
6 Media Devices and) NO. 337-TA-796
7 Components Thereof)
8 -----)
9)

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14 ATTORNEYS' EYES ONLY
15 PURSUANT TO THE PROTECTIVE ORDER

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18 VIDEOTAPED DEPOSITION OF DAVID MASAMI BUNGO
19 SAN JOSE, CALIFORNIA
20 TUESDAY, MARCH 27, 2012
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23 Reported By:
24 Yvonne Fennelly, CCRR, CSR No. 5495
25 JOB NO. 47856

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MARCH 27, 2012

9:27 A.M.

Videotaped deposition of DAVID MASAMI
BUNGO, held at the Fairmont Hotel, 170 S. Market
Street, San Jose, California, pursuant to
Subpoena, before Yvonne Fennelly, CCRR, CSR
5495.

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20 VIDEOGRAPHER: Aric Kerhoulas

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1 the top or the front of the device?

2 MR. OVERSON: Objection; vague.

3 THE WITNESS: They all had an edge, a
4 bezel.

5 BY MR. ZELLER:

6 Q. And when you say "bezel" in this
7 context, are you talking about a surround on the
8 front face?

9 A. Yeah, it was like this laptop had a
10 plastic around the display.

11 Q. Looking here a moment at the '889
12 design patent, Exhibit 2, do you have any
13 knowledge or information as to what, if
14 anything, was new or the original about this
15 design back in the 2002 or 2003 time period?

16 MR. OVERSON: Objection; foundation,
17 speculation, calls for a legal conclusion.

18 THE WITNESS: I don't know anything
19 about this patent, actually.

20 BY MR. ZELLER:

21 Q. And, I take it, from looking at it,
22 there is nothing that you see in terms of this
23 design that strikes you as being new or original
24 back in the time period of 2003 or 2004; is that
25 correct?

1 MR. OVERSON: Same objections.

2 THE WITNESS: I wouldn't know.

3 BY MR. ZELLER:

4 Q. The tablet computers that you worked
5 on as part of Q79 had their origins in the iBook
6 design?

7 MR. OVERSON: Objection; foundation.

8 THE WITNESS: Yes.

9 BY MR. ZELLER:

10 Q. And the models and prototypes that
11 you talked about from Q79 that use the iBook
12 components, they use the screen of it?

13 A. I don't believe so.

14 Q. What were the components that were
15 used from the iBooks?

16 A. The main logic board.

17 MR. ZELLER: If we could maybe get
18 that, you know, that white one that we were
19 talking about earlier, show him that one.

20 MR. OVERSON: Could we go off the
21 record?

22 THE VIDEOGRAPHER: Going off the
23 record, the time is 10:30 a.m.

24 (Discussion off the record.)

25 THE VIDEOGRAPHER: This marks the end

1 of Disk 1. We'll go off the record. The time
2 is 10:31 a.m.

3 (Recess taken.)

4 THE VIDEOGRAPHER: This marks the
5 beginning of Disk 2, Volume, I in the deposition
6 of David Bungo. We're on the record. The time
7 is 10:37 a.m.

8 MR. ZELLER: Please mark as Exhibit 3
9 a multi-page document bearing Bates numbers
10 APLNDC0000101322 through 101364. The first page
11 is an e-mail entitled, Q79 Exec Review Slide
12 Presentation, from the witness dated
13 February 25th, 2004.

14 (Document marked Exhibit 3
15 for identification.)

16 BY MR. ZELLER:

17 Q. And please take a look at Exhibit 3,
18 and let me know if this is something you
19 recognize.

20 You've had a chance to look at
21 Exhibit 3?

22 A. Yes.

23 Q. Do you recognize Exhibit 3 as an
24 e-mail that you sent in the February of 2004,
25 time period with an attachment?

1 the Q72 iBook; right?

2 MR. OVERSON: Objection; asked and
3 answered, misstates the testimony.

4 THE WITNESS: I'm not sure you can
5 make that conclusion.

6 BY MR. ZELLER:

7 Q. Well, again, I'm not asking about
8 what I can conclude or what anyone else can
9 conclude. I'm trying to find out your
10 understanding about this, and this is why I'm
11 not trying to pester you or harass you, I'm just
12 trying to make sure, because every time you're
13 kind of shifting it away from your
14 understanding, so let me try it again.

15 So now, so you're saying it could
16 mean something and it could mean something else,
17 and I'm just trying to find out your
18 understanding, so let me try and ask it in a
19 slightly different way.

20 Based on your knowledge and
21 information about everything you know about the
22 Q79 project, is it your understanding that this
23 reference here, when it says, Design based on
24 Q72 iBook, this page here, 1328, is saying that
25 that includes, it's not limited to, but it

1 includes the Q72 iBook enclosure, serving as the
2 basis for the Q79 enclosure design?

3 MR. OVERSON: Objection; asked and
4 answered, foundation, vague.

5 THE WITNESS: The Q72 was a totally
6 different object. It had a keyboard and was
7 different.

8 BY MR. ZELLER:

9 Q. Well, focusing on the display screen
10 for the Q72 iBook --

11 A. Uh-huh.

12 Q. -- and setting aside the keyboard,
13 did you see any resemblance between the
14 appearance of the Q72 iBook display screen
15 component and the external appearance, this
16 enclosure, for Q79?

17 MR. OVERSON: Objection; asked and
18 answered, foundation, vague.

19 THE WITNESS: So if you want to limit
20 it just to the display portion only?

21 BY MR. ZELLER:

22 Q. Right.

23 A. Other than the size, and the Q79 does
24 resemble the display portion of the Q72 iBook.

25 Q. And, in fact, here on this document,

1 1328, what it's referencing is the same thing
2 you're saying right here, which is that the
3 design for the Q79 was based on the Q72 iBook
4 display, but with reduced size and power?

5 MR. OVERSON: Objection; misstates
6 the document, asked and answered several times.

7 THE WITNESS: Yeah, it doesn't say
8 "display" on here.

9 BY MR. ZELLER:

10 Q. But that's how you understand it;
11 right? I'm trying to gain your understanding of
12 what this document is.

13 MR. OVERSON: Same objections.

14 BY MR. ZELLER:

15 Q. And you understand what it's saying
16 here, that the design for the Q79 is based on
17 the Q72 iBook, but with reduced size and power,
18 it's saying here that the display portion for
19 the Q72 iBook is the basis for the Q79 design,
20 but with, as you mentioned, reduced size and
21 power?

22 MR. OVERSON: Objection; misstates
23 the document, asked and answered, argumentative,
24 badgering the witness, foundation.

25 THE WITNESS: If you limit it solely

1 to the display, then there is some resemblance,
2 yes.

3 BY MR. ZELLER:

4 Q. And do you understand this statement
5 when it's saying here that the design for the
6 Q79 is based on the Q72 iBook but with reduced
7 size and power, it's referring to that display
8 portion of the Q72 iBook?

9 MR. OVERSON: Objection. Same
10 objections; asked and answered several times,
11 foundation.

12 BY MR. ZELLER:

13 Q. I'm sorry, I couldn't hear.

14 A. I don't know that.

15 MR. ZELLER: If we can have those two
16 tangibles we had earlier.

17 MR. OVERSON: Should we go off the
18 record?

19 THE VIDEOGRAPHER: We'll go off the
20 record. Time is 2:58 p.m.

21 (Recess taken.)

22 THE VIDEOGRAPHER: We're on the
23 record. The time is 3:01 p.m.

24 BY MR. ZELLER:

25 Q. So I'm going to show you again Apple

1 Proto 0791 that we had talked about a little bit
2 earlier today.

3 A. Okay.

4 Q. And does the display portion of what
5 you have there, as this prototype, look like the
6 iBook display?

7 MR. OVERSON: Objection; vague.

8 THE WITNESS: It's definitely a lot
9 thicker than an iBook display. And the XY looks
10 smaller than what I remember.

11 BY MR. ZELLER:

12 Q. And other than those dimensions,
13 those differences in dimensions that you
14 mentioned, does it resemble the Q72 iBook
15 display?

16 MR. OVERSON: Objection; vague.

17 THE WITNESS: I think it kind of
18 resembles it, yes. There is some resemblance.

19 BY MR. ZELLER:

20 Q. And I'm going to show you what we
21 showed you previously as Apple Proto 035. And
22 I'll hand that to you.

23 And as we talked about earlier, you
24 said that the prototypes that you saw did not
25 have that gap area that runs the perimeter of

1 Q. What was your role in that project?

2 A. It was to manage the project from a
3 logistical and administrative standpoint, kind
4 of a coordinations role, and set up meetings and
5 presentations and so forth.

6 MR. OVERSON: Thanks. I have no
7 further questions.

8 MR. ZELLER: Thank you.

9 THE VIDEOGRAPHER: This marks the end
10 of Disk 4, and will conclude the deposition for
11 today. All disks will be held by TSG.

12 We're off the record, the time is
13 4:09 p.m.

14 (Time noted: 4:09 p.m.)

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DAVID MASAMI BUNGO

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24 Subscribed and sworn to before me

25 this _____ day of _____, 2012.