

**EXHIBIT 17**  
**FILED UNDER SEAL**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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.

-----/

CONFIDENTIAL ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF DANIELE De IULIIS  
Redwood Shores, California  
Friday, October 21, 2011

Reported by:  
LORRIE L. MARCHANT, CSR No. 10523, RPR, CRR, CCRR, CLR  
JOB NO. 43000

1 Friday, October 21, 2011

2 10:13 a.m.

3

4 Videotaped Deposition of DANIELE De  
5 IULIIS, held at the offices of Quinn  
6 Emanuel Urqhart & Sullivan, LLP, 555  
7 Twin Dolphin Drive, Suite 560, Redwood  
8 Shores, California, before Lorrie L.  
9 Marchant, a Certified Shorthand  
10 Reporter, Registered Professional  
11 Reporter, Certified Realtime Reporter,  
12 California Certified Realtime Reporter  
13 and Certified LiveNote Reporter.

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A P P E A R A N C E S :

FOR THE PLAINTIFF APPLE INC.:

MORRISON & FOERSTER  
BY: ANDREW E. MONACH, ESQ.  
425 Market Street  
San Francisco, California 94105  
Phone: (415) 268-7588  
Fax: (415) 268-7522  
e-mail: amonach@mofo.com

FOR THE DEFENDANTS SAMSUNG:

QUINN EMANUEL URQUHART & SULLIVAN  
BY: MARGRET CARUSO, ESQ.  
SCOTT HALL, ESQ.  
555 Twin Dolphin Drive  
Redwood Shores, California 94065  
Phone: (650) 801-5000  
Fax: (650) 801-5100  
e-mail: margretcaruso@quinnemanuel.com  
scotthall@quinnemanuel.com

ALSO PRESENT:

Lisa Olle, Apple Senior Corporate Counsel, Litigation  
Jason Kocol, Videographer

---oOo---

1 THE VIDEOGRAPHER: This is the start of  
2 tape labeled No. 1 of the videotaped deposition of  
3 Daniele de Iuliis in the matter Apple, Incorporated  
4 versus Samsung Electronics Company, Limited, in the  
5 United States District Court, Northern District of  
6 California, San Jose Division. Case No.  
7 11-CV-01846-LHK.

8 This deposition is being held at 555 Twin  
9 Dolphin Drive, Redwood Shores, California, on  
10 October 21st, 2011, at approximately 10:13 a.m. My  
11 name is Jason Kocol. I'm the legal video specialist  
12 from TSG Reporting, Incorporated, headquartered at  
13 747 Third Avenue, New York, New York.

14 The court reporter is Lorrie Marchant in  
15 association with TSG Reporting.

16 Will counsel please introduce yourselves  
17 for the record.

18 MS. CARUSO: Margret Caruso from Quinn,  
19 Emanuel, Urquhart, Sullivan for defendant Samsung.

20 MR. MONACH: Andrew Monach, Morrison &  
21 Foerster, representing Apple and the witness.

22 THE VIDEOGRAPHER: Will the court reporter  
23 please swear in the witness.

24 THE REPORTER: Do you solemnly swear or  
25 affirm under the penalties of perjury that the

1 testimony you are about to offer will be the truth,  
2 the whole truth and nothing but the truth?

3 THE WITNESS: I do.

4 EXAMINATION BY MS. CARUSO

5 BY MS. CARUSO:

6 Q. Good morning.

7 A. Good morning.

8 Q. Have you ever been deposed before?

9 A. I have not.

10 Q. Okay. If at any point during the  
11 deposition you would like some more water or would  
12 like to take a break, just let me know. We can  
13 accommodate that.

14 A. Okay.

15 Q. I just ask that you finish answering  
16 whatever question I asked at the time.

17 A. Thank you.

18 Q. Let's just step back a little bit. There's  
19 going to be a lot of memory lane for you. If you  
20 could tell me a little bit about your education  
21 since graduating from high school.

22 A. I graduated from Central School of Art and  
23 Design in London in 1983 with a BA in industrial  
24 design engineering. I've been a professional since  
25 then.

1 THE WITNESS: This, I believe, is the power  
2 button.

3 BY MS. CARUSO:

4 Q. Is the power button on the iPod touch a  
5 continuous form at its top?

6 MR. MONACH: Objection. Vague.

7 THE WITNESS: Help me understand that  
8 question.

9 BY MS. CARUSO:

10 Q. So in Figure 7, the figure that is shown in  
11 C --

12 A. Yes.

13 Q. -- has a broken lozenge shape. Do you see  
14 that?

15 MR. MONACH: Object to the form of the  
16 question.

17 THE WITNESS: I see a lozenge, and it's  
18 badly photocopied and -- or what appears to be a  
19 lozenge, and that is broken in a couple of places.

20 BY MS. CARUSO:

21 Q. Do you have any understanding of why it's  
22 broken in a couple of places?

23 A. I don't understand why it would be broken  
24 in a couple of places.

25 Q. You're not aware of any feature of the iPod

1 touch that would require depicting this button in  
2 this fashion?

3 MR. MONACH: Objection to the extent it  
4 lacks foundation. Calls for speculation or calls  
5 for a legal conclusion.

6 THE WITNESS: These drawings are drawings  
7 made by a patent attorney. I don't know the reasons  
8 why they would be drawn in this manner.

9 BY MS. CARUSO:

10 Q. I'm going to hand you something that I  
11 think that you've seen before. If you could hold it  
12 up for the camera so there's an image of it  
13 recorded.

14 Do you have an understanding of what this  
15 is?

16 A. This is what I believe to be an early  
17 prototype of a tablet we were developing.

18 Q. When you say "we," do you mean the  
19 industrial design group of Apple?

20 A. I mean Apple.

21 Q. When was Apple working on developing this  
22 tablet?

23 A. To the best of my knowledge -- it was  
24 definitely before the iPhone development, and to the  
25 best of my knowledge, around 2003.



1 Q. Did you work on the design of this tablet?

2 A. I worked alongside my colleagues in the  
3 industrial design department as a collective and as  
4 a team on this.

5 Q. Approximately how many months did you spend  
6 working on this design?

7 A. We spent -- I really don't recall. It's  
8 going back a long time.

9 Q. More than three months?

10 A. Yes. I'm guessing. My best guess would be  
11 yes, more than three months.

12 Q. Did you create any sketches relating to the  
13 development of this tablet design?

14 A. I may have.

15 Q. Is it common that you work on a design for  
16 more than three months and don't create a single  
17 sketch related to it?

18 MR. MONACH: Objection. Vague.

19 THE WITNESS: I believe I mentioned to you  
20 earlier that we tend to go into three dimensions  
21 very, very quickly. That's generally how we work.

22 BY MS. CARUSO:

23 Q. Is it common that you work on a design for  
24 more than three months and don't create a single  
25 sketch related to it?

1 MR. MONACH: Objection. Vague.

2 THE WITNESS: It's possible.

3 BY MS. CARUSO:

4 Q. Is it your understanding that you didn't  
5 create any sketches relating to tablet design?

6 A. I don't remember.

7 Q. Have you gone back to look through your  
8 sketchbooks from the 2003 time period to see if  
9 there were any sketches relating to the tablet  
10 design?

11 A. I don't remember the dates that were asked  
12 for us to look at. So I don't remember the dates.

13 Q. You referred to this -- did you call it an  
14 early prototype of the tablet design?

15 A. I don't remember if I called it an early  
16 prototype or a prototype.

17 Q. Do you agree that it's an early prototype?

18 A. I agree that it's a prototype. I guess a  
19 prototype by definition is -- anyway. I'm sorry.

20 Q. You've been handed what has been marked as  
21 Exhibit 8, Lutton Exhibit 8. Do you have that in  
22 front of you?

23 A. Yes.

24 Q. Do you -- and that is US Design Patent  
25 504889 --

1 A. Yes.

2 Q. -- correct?

3 You're named as an inventor of this design;  
4 is that correct?

5 A. Yes.

6 Q. Did you participate in the team that  
7 created this design?

8 A. I did.

9 Q. Does this D889 reflect the design of the  
10 prototype that's in front of you?

11 MR. MONACH: Objection. Lack of  
12 foundation. Vague. Objection, calls for a legal  
13 conclusion.

14 THE WITNESS: I believe so.

15 BY MS. CARUSO:

16 Q. Do you see Figure 6 of the D889 patent?

17 A. I do.

18 Q. There's a circular element on that. Do you  
19 see it?

20 A. I do.

21 Q. Do you also see that on the prototype that  
22 you're holding?

23 A. I do.

24 Q. In Figure 1 of the D889 patent, there's  
25 a -- a line that's thicker than the other lines. Do

1 you see that?

2 MR. MONACH: Objection. Vague. Objection  
3 to the extent it may not accurately reflect the  
4 drawing.

5 THE WITNESS: I see a bad photocopy.

6 BY MS. CARUSO:

7 Q. Starting at the left, do you see three  
8 parallel lines on the left-hand side of the top  
9 drawing?

10 A. I do.

11 Q. Do you see the middle line of those three?

12 A. I do.

13 Q. Does it appear to you to be thicker than  
14 the other two?

15 A. Yes.

16 Q. Do you have an understanding of why it's  
17 thicker?

18 MR. MONACH: Objection. Lack of  
19 foundation. Objection to the extent it calls for a  
20 legal conclusion.

21 THE WITNESS: I don't.

22 BY MS. CARUSO:

23 Q. Do you have any understanding of what that  
24 middle line represents?

25 MR. MONACH: Same objection.

1 MR. MONACH: Objection. Vague.

2 THE WITNESS: I don't understand if I  
3 understand your definition.

4 BY MS. CARUSO:

5 Q. Did the gap -- why was there a gap? I'll  
6 ask that question.

7 A. I really don't remember.

8 Q. If you'd look at this --

9 A. Thank you.

10 Q. -- and if you could just hold that up again  
11 for the camera.

12 THE VIDEOGRAPHER: I didn't get a shot of  
13 the front. You have to hold it longer for me.

14 Thank you. Great.

15 BY MS. CARUSO:

16 Q. Does that prototype also have a gap?

17 A. It does.

18 Q. And is there anything sort of in the  
19 interior of that gap that you can see?

20 MR. MONACH: Objection. Vague.

21 THE WITNESS: I see a detail within what  
22 you're calling the gap.

23 BY MS. CARUSO:

24 Q. Is that detail found in the first prototype  
25 you were looking at, as well?

1 A. They appear to be similar.

2 Q. Do you recall any discussions about that  
3 detail?

4 A. Having seen it now for the first time in  
5 many years, I remember working as a team on this  
6 detail.

7 Q. Do you remember any discussion about the  
8 detail?

9 A. I don't.

10 Q. Do you remember any reason why it added  
11 esthetically to the product?

12 MR. MONACH: Objection. Vague.

13 THE WITNESS: Probably had a very good  
14 reason at the time.

15 BY MS. CARUSO:

16 Q. But you can't recall right now what that  
17 was?

18 A. I can't recall.

19 Q. And I asked you about any esthetic reason  
20 for putting it there. Do you remember any other  
21 reason for having that detail?

22 A. I don't recall.

23 Q. Is it your understanding that Figure 1  
24 reflects that detail?

25 MR. MONACH: Object to the form of the

1 question to the extent it calls for a legal  
2 conclusion.

3 But you can review that figure and give  
4 your understanding.

5 THE WITNESS: I believe that line reflects  
6 the gap that's shown here.

7 BY MS. CARUSO:

8 Q. I take it that as with the other design  
9 patents we discussed, you can't call out any  
10 particular contribution made by any member of the  
11 design team with respect to the design of the D889  
12 patent; is that correct?

13 A. That's correct.

14 Q. Would you describe the surface of this  
15 prototype as contiguous from end to end?

16 MR. MONACH: Object to the form of the  
17 question as vague.

18 THE WITNESS: I would describe the piece of  
19 glass here as being contiguous.

20 BY MS. CARUSO:

21 Q. Would you describe the glass surface as  
22 extending to the outside of the product?

23 MR. MONACH: Objection. Vague.

24 THE WITNESS: I don't know if I'd say -- if  
25 I would categorize it that way.

1 BY MS. CARUSO:

2 Q. Why not?

3 A. Well, you said to the outside of the  
4 product.

5 Q. M-hm.

6 A. And the glass stops. It doesn't go to the  
7 outside of the product.

8 Q. Would you describe the surface of the  
9 iPhone as extending to the outside of the product?

10 MR. MONACH: Objection. Vague.

11 BY MS. CARUSO:

12 Q. I'll reask the question.

13 Would you describe the glass surface of the  
14 iPhone as extending to the outside of the product?

15 A. I would describe the glass surface  
16 extending to the bezel.

17 MS. CARUSO: We need to take a short break  
18 to change the tape.

19 THE VIDEOGRAPHER: This marks the end of  
20 Tape No. 3 in today's deposition of Daniele de  
21 Iuliis. The time is 5:29 p.m. We are off the  
22 record.

23 (Recess taken, from 5:29 to 5:38.)

24 THE VIDEOGRAPHER: This marks the beginning  
25 of Tape No. 4 in today's deposition of Daniele de



1 MS. CARUSO: No further questions.

2 MR. MONACH: I have no questions. Thank  
3 you, sir.

4 MS. CARUSO: Thank you.

5 THE VIDEOGRAPHER: This marks the end of  
6 Tape No. 4 of 4 and concludes today's deposition of  
7 Daniele de Iuliis. The time is 5:41 p.m. We are  
8 off the record.

9 (Time Noted: 5:41 p.m.)

10 ---oOo---

11

12

13

DANIELE De IULIIS

14

15 Subscribed and sworn to  
16 before me this 14 day  
of November 2011.

17

18

19

20

21

22

23

24

25