

EXHIBIT 64
FILED UNDER SEAL

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

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 entity;

9 SAMSUNG ELECTRONICS AMERICA,
INC., a New York corporation;

10 SAMSUNG TELECOMMUNICATIONS
AMERICA, LLC, a Delaware
11 limited liability company,

12 Defendants.
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14
15
16 CONFIDENTIAL
17 ATTORNEYS' EYES ONLY
18 OUTSIDE COUNSEL

19 VIDEOTAPED DEPOSITION OF IMRAN CHAUDHRI
Redwood Shores, California
20 Friday, October 14, 2011
21
22

23 Reported by:

LORRIE L. MARCHANT, CSR No. 10523, RPR, CRR, CCRR, CLR

24 JOB NO. 42879
25

1 October 14, 2011

2 9:35 a.m.

3

4 Videotaped Deposition of IMRAN

5 CHAUDHRI, held at the offices of Quinn

6 Emanuel Urquhart & Sullivan, LLP, 555

7 Twin Dolphin Drive, 5th Floor, 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.

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

FOR THE PLAINTIFF APPLE INC.:

MORRISON & FOERSTER

BY: MATTHEW KREEGER, ESQ.

425 Market Street

San Francisco, California 94105

FOR THE DEFENDANTS SAMSUNG:

QUINN EMANUEL URQUHART & SULLIVAN

BY: ALAN WHITEHURST, ESQ.

1101 Pennsylvania Avenue NW

Washington, D.C. 20004

and

BY: ALEX BAXTER, ESQ

MARGRET CARUSO, ESQ.

BRETT ARNOLD, ESQ.

555 Twin Dolphin Drive

Redwood Shores, California 94065

and

BY: MICHAEL ZELLER, ESQ.

865 South Figueroa Street

Los Angeles, California 90017

ALSO PRESENT:

Cyndi Wheeler, Apple IP Litigation Counsel

Alan Dias, Videographer

---oOo---

1 (Marked for identification purposes,
2 Exhibit 570 through 572.)

3 THE VIDEOGRAPHER: We are on the video
4 record at 9:34 a.m. In the matter of Apple Inc.,
5 versus Samsung, in the United States District Court,
6 Northern District of California. Case No.
7 11-CV-01846-LHK.

8 We are located today at 555 Twin Dolphin
9 Drive, in the City of Redwood Shores, California.
10 Today is October 14, 2011, and the time is 9:35 a.m.

11 My name is Alan Dias from TSG Reporting.
12 Counsel, would you please identify yourself
13 for the record.

14 MR. WHITEHURST: Good morning. My name
15 Alan Whitehurst. And with me today is my colleague,
16 Alex Baxter. We are with the law firm Quinn
17 Emanuel, and we represent Samsung.

18 MR. KREEGER: Matthew Kreeger, Morrison &
19 Foerster, representing Apple. With me is
20 Cyndi Wheeler from Apple.

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

23 THE REPORTER: Do you solemnly swear or
24 affirm under the penalties of perjury that the
25 testimony you are about to offer will be the truth,

1 the whole truth and nothing but the truth?

2 THE WITNESS: I do.

3 THE VIDEOGRAPHER: You may proceed.

4 EXAMINATION BY MR. WHITEHURST

5 BY MR. WHITEHURST:

6 Q. Good morning, Mr. Chaudhri.

7 A. Good morning.

8 Q. My name is Alan Whitehurst, and I will be
9 taking your deposition today.

10 Could you please state your full name and
11 address for the record.

12 A. My name is Imran Chaudhri. My address is
13 57 Beaumont, San Francisco, California 94118.

14 Q. And before the deposition, I marked as
15 Exhibit 570 a copy of your Deposition Notice.

16 Have you testified in a deposition before?

17 A. I have.

18 Q. How many times?

19 A. Once.

20 Q. And what case was that for?

21 A. It was a -- a case involving Motorola.

22 Q. Was that for a litigation between Motorola
23 and Apple?

24 A. I believe so.

25 Q. And when was that deposition?

1 this very broadly, then, I take it you don't have
2 any knowledge or information about the specific
3 mockup that's in front of you right now?

4 A. That's correct.

5 MR. ZELLER: So I think that --

6 MR. KREEGER: Can we take a quick break,
7 please?

8 MR. ZELLER: Sure.

9 THE VIDEOGRAPHER: This is the end of Disk
10 No. 3, Volume I. We are off the record at 2:45 p.m.

11 (Recess taken, from 2:45 to 2:56.)

12 THE VIDEOGRAPHER: This is the beginning of
13 Disk No. 4, Volume I. We are back on the record at
14 2:56 p.m. You may proceed.

15 BY MR. ZELLER: Let's please mark as
16 Exhibit 576 a multipage document, which is a copy of
17 the United States Design Patent 627,790.

18 (Marked for identification purposes,
19 Exhibit 576.)

20 BY MR. ZELLER:

21 Q. Please let me know when you've had a chance
22 to review Exhibit 576.

23 A. Okay.

24 Q. Do you recognize this as the '790 design
25 patent that you're named as the inventor on?

1 A. I do.

2 Q. And I take it you've seen this before
3 today?

4 A. I have.

5 Q. Can you please tell me, upon reviewing
6 the -- the figure which is on the last page of
7 Exhibit 790 [sic], what is it that you invented
8 that's reflected here?

9 MR. KREEGER: Objection.

10 You can answer.

11 THE WITNESS: It looks like it's the home
12 screen for the iPhone.

13 BY MR. ZELLER:

14 Q. And in terms of what's depicted here of the
15 home screen of the iPhone that's shown in this
16 figure, what is it that you -- you came up with
17 yourself?

18 A. I came up with the shape of the icons and
19 the way they're laid out. And the two sections.

20 Q. And when you say "the two sections," the
21 fact that there's two rows on top and then this
22 missing or blank area and then a bottom row?

23 A. Yeah. The -- mainly that the bottom row is
24 different from the rest of the icons.

25 Q. And what do you mean by that? How are they

1 different from the rest of the icons?

2 A. They -- they give the customer a quicker
3 access to them.

4 Q. Oh, I see.

5 The bottom row, because it remains static,
6 as opposed to moving when -- when pages are scrolled
7 through on the device, gives the user quicker access
8 to those -- those bottom -- that bottom row of
9 icons?

10 A. For example, yeah.

11 Q. What else does it do? What other ways does
12 it give -- does this layout give the customer
13 quicker access?

14 A. It also gives them a closer proximity to
15 where their finger was previously.

16 Q. And perhaps if you could explain that for
17 me. I'm not -- I'm not entirely following that
18 part.

19 A. So the customer would press the home
20 button, which would bring them to this home screen.
21 And generally their -- their finger would be towards
22 the bottom of the screen anyway. And it means that
23 their -- that their finger wouldn't have to travel
24 as far.

25 Q. And by that, it means that having that --

1 that bottom row placed where it is, in the manner
2 you have it placed, is -- is that it's easier and
3 faster for the -- the customer or the user to use?

4 A. That's correct.

5 Q. So are there other -- other ways in which
6 the layout that's depicted here on this figure of
7 the '790 design patent is -- is easier for users to
8 use?

9 A. In that it's a regular layout.

10 Q. What do you mean by "a regular layout"?

11 A. That there is a -- an evenness to the
12 amount of -- to the rhythm of the spacing, that
13 there's rows and columns that are orderly -- laid
14 out in an orderly fashion.

15 Q. And how is it that that makes the layout
16 easier to use for the customer?

17 A. Well, it makes it predictable.

18 Q. Maybe I should try it this way: You
19 mentioned that having it -- the -- the layout of the
20 icons as depicted here in the figure of the '790
21 design patent means that it's an orderly layout.

22 What do you mean by "orderly"?

23 A. By "orderly" I mean that they're very clean
24 in terms of how they are placed. They're regular.

25 Q. And in your view does that make it easier

1 for users to actually use the device?

2 A. I believe so.

3 Q. And -- and how is that?

4 A. It reduces clutter.

5 Q. And that's one way in which it makes it --
6 the layout, and ultimately the device, then, easier
7 and faster to use?

8 A. Yes.

9 Q. And is that what you were attempting to
10 accomplish by -- by this layout that's depicted here
11 in the figure of the '790 design patent?

12 A. That was one of the things.

13 Q. Ultimately making it faster and easier for
14 consumers to use?

15 A. And simpler.

16 Q. And how does that -- maybe I should ask
17 this: Sometimes I hear designers use the term "the
18 human factor" as part of the design process.

19 Is that a term that you typically use or --
20 or one that you are familiar with?

21 A. No.

22 Q. Is there something similar that you would
23 call it?

24 (Unidentified man enters room.)

25

1 BY MR. ZELLER:

2 Q. Or those kind of considerations?

3 A. Intuitive.

4 Q. So another one of the reasons why you --
5 you did the layout as you did, that's shown here in
6 the figure to the '790 design patent, was -- was to
7 make it intuitive for the user?

8 A. That was another reason.

9 Q. And is that the same thing in your view
10 as -- as simplicity, or is that something different?

11 A. I think there's a relationship to that.

12 Q. So you -- you would, at least as a
13 designer, consider them to be somewhat different,
14 but related?

15 A. Simplicity and intuitive?

16 Q. M-hm.

17 A. Yeah.

18 Q. And maybe if you could just tell me a
19 little bit about how you view them as being
20 different and how you view them as overlapping.
21 Just by your terminology. I'm just trying to make
22 sure I'm understanding.

23 A. Sure. Okay.

24 By "simplicity" I mean that it's really
25 easy to find things. By "intuitive" I mean the fact

1 that it's easy to find things the more natural it
2 feels.

3 Q. So what -- what other -- what other goals
4 were you trying to reach, then, with respect to the
5 layout of the icons that's shown here in the figure
6 of the '790 design patent other than the -- the
7 simplicity, the orderly layout, the intuitive manner
8 and the like that you've already discussed?

9 A. I wanted to make it easier for people to
10 know where to go for something.

11 Q. And that's -- is that the same as -- as
12 trying to make it easy to -- to find functions on
13 the phone?

14 A. Kind of.

15 Q. And -- and how is it different, then?

16 A. It's different in that if you wanted to go
17 to a particular aspect of the phone, you would see a
18 flat layout. And ideally every one of those objects
19 would be unique to that -- that aspect that you were
20 looking for.

21 Q. Then other than what you've -- you've
22 described in your answers earlier, is there anything
23 else that you were trying to accomplish by -- by way
24 of the layout that's depicted here, the icons in the
25 '790 design patent, or have you given me your

1 complete testimony on that?

2 A. I'm sure there's other details, but those
3 are the high-level ideas.

4 Q. And so what you've described, in your view,
5 is a -- describes the main purposes you intended to
6 achieve through the -- the layout that's depicted
7 here in Exhibit 790? In other words, these are the
8 primary goals you were looking to achieve?

9 A. That's right.

10 Q. In terms of -- you'll notice that the
11 figure here has this blank area. And just so the
12 record is clear on this, the top there are three
13 rows and then a blank area and then a bottom row of
14 another four icons.

15 Do you see that?

16 A. I do.

17 Q. In your view, was there -- was there
18 something different about having that blank area as
19 compared to what other people had done as of the
20 time that you -- you created this?

21 (Unidentified man leaves room.)

22 THE WITNESS: Well, I'm not sure about what
23 other people had done. But as far as the blank
24 area, there's really no difference between it and
25 the three by four above it.

1 Q. You'll see on the -- the front page that
2 there is a law firm mentioned. It's in the second
3 column, about halfway down. And it says Sterne,
4 Kessler, Goldstein & Fox.

5 A. I see that.

6 Q. Did you have any communications with them
7 with respect to the '790 design patent?

8 A. I did not.

9 Q. Do you recall ever having any
10 communications with that law firm?

11 A. I don't.

12 Q. Do you have any knowledge or information as
13 to how it was determined that you would be the sole
14 named inventor on this design patent?

15 A. I don't.

16 Q. Do you know where the figure came from?

17 A. I don't, actually.

18 Q. Did you yourself draw it?

19 A. I did not.

20 Q. If you wanted to find out from someone
21 there in the company who -- who actually did the
22 drawing or at least the first draft of this drawing
23 of the figure, is there someone at the company you
24 can think of you'd go ask?

25 A. I would probably start with Quinn.

1 Q. He's the in-house person you mentioned
2 before?

3 A. M-hm.

4 Q. So just focusing, then, on the fact that
5 the icons are laid out here in kind of -- in rows
6 and columns, were there other alternatives that you
7 considered other than having the layout done as rows
8 and columns?

9 A. I don't remember.

10 Q. Have you ever seen alternatives that you
11 thought were as effective in terms of the icon
12 layout, where it was in some layout or organization
13 other than generally as rows and columns?

14 MR. KREEGER: Objection. Vague.

15 You can answer.

16 THE WITNESS: I don't believe so.

17 BY MR. ZELLER:

18 Q. Would you consider the -- the layout of
19 icons in rows and columns to be the common default
20 organization for icons?

21 A. On a phone?

22 Q. Well, on -- on electronic devices
23 generally.

24 A. No.

25 Q. What would you consider to be the most

1 common layout?

2 A. A list.

3 Q. I'm sorry?

4 A. A list.

5 Q. A list?

6 A. (No audible response.)

7 Q. And what do you mean by "a list"?

8 A. A list of icons and their names next to
9 them and dates and -- kind of like what you would
10 find in a file browser. That I think is the most
11 common.

12 Q. Maybe I need to put more context on this.
13 You're talking about machines generally,
14 including, like, desktops and the like?

15 A. Right.

16 Q. I'm -- I'm asking something a little bit
17 more specific.

18 A. Okay.

19 Q. I take it you've seen other smartphones
20 that are out there in the market?

21 A. I have.

22 Q. And in terms of just, again, very
23 generally -- and I'm not even talking about the
24 exact arrangement here of the '790 design patent,
25 I'm just talking generally in terms of having rows

1 this and -- and just tell me, generally speaking,
2 first whether you recognize this document or recall,
3 I should say, ever seeing this before?

4 MR. KREEGER: And I will just caution the
5 witness not to, in answering that question, reveal
6 any attorney-client communication, including any
7 documents that were shown to you in preparation for
8 your deposition.

9 THE WITNESS: So I don't recall seeing this
10 document.

11 BY MR. ZELLER:

12 Q. I'd like to direct your attention to Figure
13 4. And that says at the top, Sheet 3 of 19.

14 Do you have that?

15 A. This one (indicating)?

16 Q. Yes. That's it.

17 And -- and directing your attention to the
18 top left-hand portion of this page, underneath the
19 heading of "Figure 4," you'll see that there's a
20 reference here to reduced icon.

21 Do you see that?

22 A. Yes.

23 Q. And you'll see that there are squares laid
24 out, and generally we can call it a pattern of rows
25 and columns.

1 Do you see that?

2 A. I do.

3 Q. And by the way, is there -- is there some
4 name you would typically give to this kind of
5 arrangement in rows and columns? Would you call it
6 a grid or a matrix?

7 A. A grid.

8 Q. And you would consider the -- the layout
9 that's shown here in the '790 design patent figure
10 also to be a grid layout?

11 A. Yes.

12 Q. So then going back for a moment to the Wada
13 patent, and specifically Figure 4, you'll see, as we
14 were talking about, that this is -- this is laid out
15 in columns and rows for the icons?

16 A. I see that.

17 Q. And -- and you'll see, by the way, that on
18 the first page, that this was filed -- this patent
19 application was filed on January 4, 2005.

20 A. Okay.

21 Q. Do you have any reason to -- to doubt that
22 the layout that's depicted here in Figure 4, this --
23 this grid layout, was, in fact, conceived of or put
24 into fixed form by the inventor here by January 4,
25 2005?

1 A. I wouldn't know.

2 Q. I take it you don't know the -- the name
3 of -- excuse me, you don't know the inventor who is
4 named here?

5 A. I do not.

6 Q. Do you have any reason to doubt that this
7 inventor, Wada, had come up with a grid layout of
8 icons, namely, having columns and rows as the
9 organization, by January 4 of 2005?

10 A. I wouldn't know.

11 Q. Seeing this, you'll -- you'll agree with me
12 that -- that by that time, if -- if this patent is
13 accurate, that there was -- there was someone else
14 who had already come up with a -- a grid pattern for
15 icons, namely, columns and rows, as we were
16 discussing; right?

17 A. If you're just looking at the grids and --
18 yes.

19 Q. And then just focusing on that -- that grid
20 layout that's depicted here in Figure 4 of the Wada
21 patent, do you consider it to be substantially the
22 same just in terms of the layout as what is shown
23 here in the '790 design patent?

24 MR. KREEGER: Objection.

25 You can answer.

1 THE WITNESS: I see differences.

2 BY MR. ZELLER:

3 Q. And with respect to the differences, do you
4 think it makes it a completely new and different
5 design that's shown here in Exhibit 790?

6 A. In some ways, yes.

7 Q. And -- and what are those differences?

8 A. Well, for one, the objects are rounded --
9 rounded recs.

10 (Reporter clarification.)

11 THE WITNESS: Recs.

12 BY MR. ZELLER:

13 Q. By that you mean rectangles?

14 A. Right.

15 Q. Okay. Just so we have a clear record.

16 A. Sorry. That the radius is rounded.

17 Q. Anything else that you think -- in terms of
18 just comparing what's shown here in that portion of
19 Figure 4 that we're talking about, the Wada patent,
20 and the figure in the '790 design patent, do you
21 think gives it a -- a different overall impression
22 other than what you mentioned?

23 A. Yeah. I don't see how the Wada patent
24 accommodates the text as well as this one does, so I
25 see that as a difference.

1 Q. Any others?

2 A. I think the spacing of the grid is -- is
3 different.

4 Q. Any others?

5 A. Those are the things that pop out to me as
6 being different.

7 Q. Just focusing on that blank space that
8 we've talked about with respect to the '790 design
9 patent, do you think that the design that's shown
10 here on the '790 design patent, by virtue of having
11 that blank space, makes it substantially different
12 from the layout that's shown in Figure 4 of Wada
13 that we're talking about, or do you consider that to
14 be a minor or trivial difference?

15 A. It's not a significant difference. I think
16 the significant differences are -- are what I
17 mentioned.

18 Q. One of the differences that you mentioned
19 was that the icon layout that is depicted here in
20 the '790 design patent that you're the named
21 inventor on has -- it better accommodates text, I
22 think is -- is how you put it.

23 A. M-hm.

24 Q. Please tell me what you mean by that.

25 A. If you look at the grid here between the

1 rows there's a -- an appreciable amount of room to
2 accommodate a label that would indicate what the
3 icon is. And that's what I mean by that.

4 Q. So the words that actually go with the icon
5 to, say, for example, settings or phone or --

6 A. That's right.

7 Q. Let me show you what was previously marked
8 as Exhibit 421, which is United States Design Patent
9 617,334.

10 A. Thank you.

11 Q. And if you'd please take a look at this
12 document and let me know when you've had a chance to
13 review it.

14 A. Okay.

15 Q. Do you recognize what we marked as
16 Exhibit 421?

17 A. I do.

18 Q. And this is a -- another design patent that
19 you're -- well, I'm sorry. Let me rephrase this.

20 This is the '334 design patent that you are
21 a named inventor on?

22 A. Right.

23 Q. And I -- I take it you've seen this
24 document before today?

25 A. I have.

1 today's deposition. We are off the record at
2 6:53 p.m. The master disk will be held by TSG
3 Reporting.

4 (Time noted: 6:53 p.m.)

5 ----oOo----

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8 
9 IMRAN CHAUDHRI

10 Subscribed and sworn to
11 before me this 21 day
12 of Dec 2011.

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