

**EXHIBIT 8**  
**FILED UNDER SEAL**

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION  
4

5 APPLE INC., a California  
6 corporation,

7 Plaintiff,

8 vs.

CASE NO. 11-CV-01846-LHK

9 SAMSUNG ELECTRONICS CO., LTD.,  
10 A Korean business entity;  
11 SAMSUNG ELECTRONICS AMERICA,  
12 INC., a New York corporation;  
13 SAMSUNG TELECOMMUNICATIONS  
14 AMERICA, LLC, a Delaware  
15 limited liability company,

16 Defendants.  
17 \_\_\_\_\_/

18 C O N F I D E N T I A L  
19 A T T O R N E Y S ' E Y E S O N L Y

20 VIDEOTAPED DEPOSITION OF SCOTT HERZ  
21 REDWOOD SHORES, CALIFORNIA  
22 FRIDAY, OCTOBER 14, 2011

23 BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CCRR, CLR  
24 CSR LICENSE NO. 9830  
25 JOB NO. 42678

1 using the word "call" to mean, you know, some kind of  
2 function or method, it's code having to do with a  
3 gesture.

4 MR. BRIGGS: Q. And is it -- is it code that  
5 causes the gesture operation to occur?

6 MR. OLSON: Objection; incomplete  
7 hypothetical; calls for a legal opinion.

8 THE WITNESS: So I don't know what it -- it  
9 could do a lot of things.

10 MR. BRIGGS: Q. So as you sit here, you  
11 don't have a real precise definition of gesture call?

12 MR. OLSON: Objection; calls for a legal  
13 opinion.

14 THE WITNESS: So certainly not with respect  
15 to specific text; but then also, a gesture could be  
16 any number of things. So I'm not thinking of a  
17 specific one.

18 MR. BRIGGS: Q. I mean, are there any -- is  
19 there any kind of definition you can give for a  
20 gesture call?

21 MR. OLSON: Same objections.

22 THE WITNESS: I would just repeat, I think,  
23 what I said before, which is it's, you know, again,  
24 not related to -- to any particular language, but a --  
25 some code that does something, some gesture, as a

1 result of calling it.

2 MR. BRIGGS: This claim limitation also  
3 states:

4 "Based on invoking the scroll or gesture  
5 operation."

6 Q My question is: What is -- what is invoking  
7 a scroll operation?

8 MR. OLSON: Objection; calls for a legal --  
9 legal opinion; lack of foundation.

10 THE WITNESS: So I don't -- I don't know with  
11 respect to that particular limitation that -- that  
12 you're mentioning. But if it's -- if it -- you're  
13 asking sort of, like, what does the word "invoke" --

14 MR. BRIGGS: That's right.

15 THE WITNESS: I mean -- so again, not having  
16 to do with this particular language, an example of  
17 invoking something would be, you know, making a method  
18 call, making a function call, causing that code to  
19 run.

20 MR. BRIGGS: Q. So invoking has a notion of  
21 causing something to happen?

22 MR. OLSON: Objection; misstates the  
23 testimony.

24 THE WITNESS: So in the example I gave,  
25 invoking could mean, yeah, causing something to

1     happen.

2             MR. BRIGGS:   Q.   Could it mean causing an  
3     event handler to run?

4             MR. OLSON:   Objection; vague; incomplete  
5     hypothetical.

6             THE WITNESS:   So I think it depends on, you  
7     know, what is meant by an "event handler."  I mean,  
8     invoking, it's just -- it's like I mentioned earlier;  
9     right?  If it's a function, it's -- a function can be  
10    invoked.  A method could be invoked.

11            MR. BRIGGS:   Q.   So an event handler could be  
12    invoked?

13            MR. OLSON:   Objection; misstates the  
14    testimony.

15            THE WITNESS:   So if -- if a -- if an event  
16    handler was a -- considered to be a method, and I  
17    don't know that it is or isn't, it could be invoked.

18            MR. BRIGGS:   Q.   And what does invoking a  
19    gesture operation mean --

20            MR. OLSON:   Objection --

21            MR. BRIGGS:   Q.   -- to you?

22            MR. OLSON:   -- objection; calls for a legal  
23    conclusion; lack of foundation.

24            THE WITNESS:   So I don't know with respect to  
25    this particular text what it means.  And sort of as I

1 mentioned before, if it's -- if there's some code that  
2 has to do with a gesture and you're invoking it, it  
3 means, you know, you're causing that code to run.

4 MR. BRIGGS: Okay.

5 Q So I'm going to move on to the next  
6 limitation in Claim 1, and it states:

7 "Responding to at least one scroll call, if  
8 issued, by scrolling a window having a view associated  
9 with event object based on an amount of a scroll with  
10 the scroll stopped at a predetermined position in  
11 relation to the user input."

12 Do you see that?

13 A Uh-huh.

14 Q Do you understand that?

15 MR. OLSON: Objection; calls for a legal  
16 conclusion.

17 THE WITNESS: So, I mean, I wouldn't want to  
18 speculate as to what it means since I'm not a -- not a  
19 lawyer.

20 MR. BRIGGS: Q. Do you have a nonlegal view  
21 of what that might mean?

22 MR. OLSON: Same objections.

23 THE WITNESS: I could -- I mean, I could  
24 think of an example or something -- of something that  
25 might do something like that.