EXHIBIT 9
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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15   CONFIDENTIAL

16   ATTORNEYS' EYES ONLY

17   OUTSIDE COUNSEL

18   VIDEOTAPED DEPOSITION OF ANDREW PLATZER

                Redwood Shores, California

19   Tuesday, October 18, 2011

20

21   Reported by:

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

22   CLR

             JOB NO. 42881

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1 "gesture" informally, it can include a single touch at

2 this time.

3   BY MR. BRIGGS:

4   Q.   Do you have any definition of "gesture"

5 outside of UIKit?

6   A.   I don't quite understand.

7   Q.   Well, if you were going to give a

8 definition of what a "gesture" is outside of UIKit

9 and away from this patent, what would your

10 definition be?

11   A.   Whatever is in the dictionary. I -- I

12 don't understand.

13   Q.   You don't have a definition for "gesture"

14 as it would be used by one of skill in the art of

15 touchscreens?

16   MR. OLSON: Objection. Calls for a legal

17 conclusion.

18   THE WITNESS: Is this -- I don't

19 understand. Is this referring to the patent or just

20 in general?

21   BY MR. BRIGGS:

22   Q.   Just in general.

23   As a computer scientist that works on

24 touchscreens, how would you define "gesture"?

25   A.   As a computer scientist, I don't know of

1   any official definition of "gesture," and so all I

2   can do is give you an example of what UIKit

3   considers a gesture, which includes multiple touches

4   or sometimes single -- you know, again, informally

5   we call it a "gesture." That includes single

6   touches.

7   Q.   Okay. Turning back to the claim, the claim

8   states, Determining whether the event object invokes

9   a scroll or gesture operation.

10   And my question is what does it mean to invoke

11 a scroll or gesture operation?

12   MR. OLSON: Objection. Calls for a legal

13 conclusion. Lack of foundation.

14   THE WITNESS: I'm not a lawyer, so I'm not

15 comfortable in defining "invoke" as far as the

16 patent is concerned.

17   But in UIKit, as well as what we would say

18 "invoke" would mean, call a particular function or a set

19 of code that, you know, is executed when the user

20 scrolls or does a gesture.

21   BY MR. BRIGGS:

22   Q.   And at the time you filed this patent

23 application in 2007, did you have an understanding

24 of what "invoke" meant as you used it here in the

25 claims?

1   A.   I'm not a -- a lawyer, so I'm not

2 comfortable defining "invoke" in the patent.

3   But as an example, in Objective-C or in many

4 other languages, "invoke" is often used as a synonym for

5 calling a function.

6   Q.   Okay. I've got that answer, but I had a

7 different question.

8   At the time you filed the '915 patent

9 application in 2007, did you have an understanding of

10 what "invoke" meant as you used it in Claim 1?

11   MR. OLSON: Objection. Asked and answered.

12   THE WITNESS: I don't recall.

13   BY MR. BRIGGS:

14   Q.   Now, still focusing on this claim

15 limitation here, what does it mean, "to distinguish

16 between a single input point that is interpreted as

17 a scroll operation and two or more input points that

18 are interpreted as a gesture operation"?

19   MR. OLSON: Objection. Calls for a legal

20 conclusion. Lack of foundation.

21   THE WITNESS: I'm not a lawyer, so I'm not

22 comfortable with defining the word "interpreted"

23 here.

24   But as an example, in UIKit, the event object

25 will contain the number of touches, number of fingers

1 down, and based on code, the code would choose a

2 particular set of instructions to execute based on the

3 value of the number of touches.

4   BY MR. BRIGGS:

5   Q.   Would the UIKit code distinguish between a

6 single input point and -- well, strike that.

7   Would the UIKit code always interpret a single

8 input point as a scroll operation?

9   MR. OLSON: Objection. Vague as to time.

10   THE WITNESS: I don't understand. Could

11 you be more specific of the time?

12   BY MR. BRIGGS:

13   Q.   Let's start in 2005. Would the UIKit code

14 always identify a single input point as a scroll

15 operation?

16   A.   I don't understand. That's a very broad

17 question. UIKit is a larger -- large framework.

18   Q.   Well, I'm not sure why you don't understand

19 that question.

20   Is it because you don't know how all the code

21 works in UIKit, or is there something else wrong with

22 the question?

23   A.   Yes. So with regards to the UIKit, I

24 cannot speak for all of the code in UIKit.

25   Q.   What about the code that you know of in