

# EXHIBIT 3

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

18 \_\_\_\_\_/  
19 H I G H L Y C O N F I D E N T I A L  
20 O U T S I D E C O U N S E L O N L Y

21 VIDEOTAPED DEPOSITION OF JONATHAN IVE  
22 SAN FRANCISCO, CALIFORNIA  
23 THURSDAY, DECEMBER 1, 2011

24 BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CCRR, CLR  
25 CSR LICENSE NO. 9830  
JOB NO. 43920

1 Q And in your view, is -- is that construction  
2 or design of the -- the bezel more important to the  
3 design of the -- of the first iPhone than the home  
4 button in terms of an overall feeling and appearance  
5 that the -- that the design creates?

6 A Yeah, I'm not comfortable answering that  
7 question, because I think to -- to answer your  
8 question properly, I would actually need to make  
9 models and experiment with changing those. So I  
10 actually don't know.

11 Q One element that you did mention as being  
12 important, in your view, was the display and it being  
13 centered.

14 A Right.

15 Q If you could please tell me what you mean by  
16 that.

17 A Well, the -- the actual display as a  
18 component is obviously important. It's -- one of the  
19 great innovations here, of course, was that it not  
20 only gave you video sort of output, but that it was  
21 that you touched the display. So that was your  
22 primary means of -- of interaction.

23 And so the display, as we thought about it  
24 from a design point of view, was an important  
25 component, and so its position, relative to the

1 perimeter of the product, was also important.

2 So we have it centered with equal dimension  
3 on the -- I could -- if I call it the forehead, that's  
4 the area above the display; and also the chin is  
5 another way that we would talk about the area below  
6 the display. Those are the same size.

7 The vertical -- the -- the vertical columns  
8 on either side with the -- you know, the black mask  
9 are also the same size, so it is symmetrically  
10 positioned within the product.

11 And as a handheld product that you would use  
12 in this way, that seemed -- that seemed important to  
13 us.

14 Q And you began your answer by saying that the  
15 display as a component is obviously important.

16 If you could please tell me, what do you mean  
17 by that? Why was the display as a component  
18 important?

19 A Well, if you didn't -- if you did not have  
20 that component, that element within the design, the  
21 phone wouldn't function very well, as it would be very  
22 difficult to use.

23 And I described that what was particularly  
24 significant in the case of the first iPhone was that  
25 the display was combined with a multi-touch panel, a

1 multi-touch sensing panel, and so that it was also  
2 your primary means of input, so that you would relate  
3 to the display in multiple ways: That you would look  
4 to see who is calling, that you could look at  
5 photographs, you could look at video, you could look  
6 at your address book, but then you could directly  
7 manipulate the information that you saw on the  
8 display.

9 Q And did all that, that you've described about  
10 the display, have an influence on -- on the design of  
11 the -- the external appearance of the -- of the phone?

12 A What that did was make it very clear in our  
13 minds that the display was important, and we wanted to  
14 develop a product that featured and deferred to the  
15 display.

16 So we -- some of our early discussions about  
17 the iPhone centered on this idea of, as I mentioned  
18 earlier, this -- you know, this infinity pool, this  
19 pond, where the display would sort of magically  
20 appear.

21 Q You mentioned that as part of this process,  
22 that it became clear that the product, namely the  
23 iPhone we're talking about here, would defer to the  
24 display.

25 What do you mean by that phrase, "defer to

1 the display"?

2 A I think that's another way of saying that we  
3 did not want to develop a design. In any of the  
4 designs that we explored, none of them we explored did  
5 anything to -- to undermine or detract or distract  
6 from the importance of the -- the display.

7 Q And was part of the reason for that that  
8 the -- in the context of a -- of the iPhone, that the  
9 display screen itself was the main way in which the  
10 user interacted with the device?

11 A No.

12 When we are at these early stages in design,  
13 when we're trying to establish some of the -- you  
14 know, the primary goals -- often we'll talk about, you  
15 know, the -- the story for the product -- we're  
16 talking about perception. We're talking about how you  
17 feel about the product, not in a physical sense, but  
18 in a -- you know, in a perceptual sense.

19 And so it's just -- it was very clear  
20 having -- just how important and in some ways magical  
21 this display and the -- the new user interface was,  
22 that we wanted to -- to, from a perceptual point of  
23 view, create a design and a design story, create an  
24 appearance that would in some ways augment that.

25 So I mentioned the way that when the display

1 switch is on, that just feeling magical, feeling  
2 surprising, we're talking about a number of years ago.  
3 This may now seem -- we got used to products that do  
4 this. But at the earliest stages of this design, this  
5 seemed -- this was very new, and it felt there was  
6 real opportunity to develop a design story based on  
7 those sorts of preoccupations.

8 Q Regardless of the -- the design intention  
9 behind it, do you think, as a practical matter, the  
10 fact that the display is the primary way that a user  
11 interfaces with the -- the original iPhone means that  
12 having a design that defers to the displays that you  
13 mentioned means that there's less distractions for the  
14 user in actually using the screen?

15 A Can you make that a shorter question?

16 Q Sure. I can -- I can try that.

17 In response to my question, I was asking you  
18 about the phrase that you've used, which is that you  
19 didn't want a design that undermined or distracted  
20 from the importance of the display, and you've also  
21 used another phrase, which was that you have a design  
22 that deferred to the display; do you recall generally  
23 talking about that?

24 A Yes.

25 Q And I had asked one question about sort of

1 design intention that you've now already answered.

2 A Yes.

3 Q Now I wanted to ask a slightly different  
4 question --

5 A Right.

6 Q -- which is: As a practical matter, do you  
7 think the fact that the display screen itself is -- is  
8 the main point of interaction that a user has with the  
9 original iPhone means that having a design that defers  
10 to the display, as you've -- you've meant it or as  
11 you've mentioned, means that the user is less  
12 distracted from -- from that interaction with the  
13 screen, just as a practical matter?

14 A I think what we've found, given that overall  
15 goal, was that there were -- there were many solutions  
16 that we explored that met that -- that goal of -- of  
17 elevating the display and creating that sort of  
18 hierarchy.

19 And I think that the design that we chose,  
20 based upon its appearance, was one of many that --  
21 that there would be less distractions during use --  
22 less visual distractions during use.

23 Q So if I understand you correctly, the -- the  
24 design solution that was actually chosen for the  
25 iPhone that you've described, as a practical matter,



1 it does create less visual distractions for the user  
2 when interfacing with the display?

3 A Yes. What I'm -- what I'm saying is that as  
4 a consequence -- not as a goal, but as a consequence,  
5 amongst the many other alternatives that we looked at,  
6 I think that would be true.

7 Q Have you read the -- the Walter Isaacson  
8 biography of Steve Jobs?

9 A I've read a couple of pages, yes.

10 Q Were you interviewed for that book?

11 A I was, yes.

12 Q And do you recall about how many times you --  
13 you were interviewed by Mr. Isaacson?

14 A I recall we had one -- one interview I would  
15 call a primary interview, and then we met on one other  
16 occasion; and I think we may have had one telephone  
17 conversation, but I'm not certain.

18 Q So your best recollection is it was  
19 approximately three times?

20 A We -- well, your question was "interview," so  
21 no. There was one time when we were -- we met in what  
22 you would, I think, probably characterize as an  
23 interview; we met on one time when I showed him the  
24 design studio, and then possibly we had a short  
25 telephone conversation.

1 Q So in terms of the -- the number of times  
2 where you had some type of oral communication with  
3 Mr. Isaacson, whether in person or by phone, your best  
4 recollection is that there were three of them?

5 A No, my best recollection was there's two, and  
6 there's a possibility of the third.

7 Q And how certain do you feel about the -- the  
8 third? I mean, is it more than 50 percent? Less than  
9 50 percent?

10 A I'd say it's 50/50.

11 Q Right there on the edge.

12 Did you read the portion of Mr. Isaacson's  
13 book where he talked about -- well, actually, let me  
14 step back for a second.

15 There were terms or codes that were used for  
16 different iterations of the potential design for the  
17 very first iPhone that went something like P1, P2?

18 A Yes.

19 Q And do you recall that in one of those  
20 earlier iterations of the iPhone display -- or excuse  
21 me -- the iPhone design, that the front flat surface  
22 had a rim that ran around the -- the display screen?

23 A I'm sorry. I'm slightly confused by -- so  
24 this is a question that's discrete from Walter  
25 Isaacson's book?

1 the -- the user to be able to pick up the -- the  
2 tablet with one hand from underneath?

3 A No, that wasn't a goal. We -- we made the  
4 observation that if that's something that we wanted to  
5 enable, that meant that our exploration would be  
6 concerned with the sorts of formal solutions that I  
7 mentioned. And there were -- there were -- there were  
8 many of them.

9 Q Well, then, I guess setting aside, then,  
10 the -- the terminology about a goal -- maybe it's a  
11 little easier that way.

12 In terms of the -- the final design for  
13 the -- the first iPad, was there anything about the  
14 design that, as a consequence of the design, made it  
15 easier for the user to pick up with one hand from a --  
16 from a flat table, for example?

17 A Could you just clarify which iPad we're  
18 talking about. Is it the iPad in the -- the patents  
19 or the --

20 Q The first iPad that actually went to market.

21 A That went to market.

22 Yes, it was one of the -- the many that we  
23 explored that had the -- the rear surface developed  
24 up.

25 In the case of the first iPad, the -- there

1 was a vertical wall that ran around the perimeter of  
2 the product. But the bottom edge of that vertical  
3 wall was -- I don't know how many millimeters, but was  
4 a number of millimeters above a surface if you were to  
5 rest it on a surface.

6 Q Whether or not it was the -- the goal of the  
7 design of the second iPad, the iPad 2, was there  
8 anything about the design in the iPad 2 that, as a  
9 consequence of the design, made it easier for the user  
10 to pick it up with one hand from a flat surface, such  
11 as a table?

12 A I'm sorry. Could you repeat that.

13 Q Sure. It's basically the same question I was  
14 asking before about the first iPad that went to  
15 market.

16 A Yes.

17 Q Now I'm asking about the iPad 2. So I'll  
18 just restate the whole question, but just so you have  
19 a sense of where I'm --

20 A Yes.

21 Q -- going with this.

22 So setting aside whether it was the goal or  
23 not of the design --

24 A Yes.

25 Q -- as a consequence of the design that was

1 actually used for the iPad 2, was there anything about  
2 that design that made it easier for the user to pick  
3 up the iPad 2 from a flat surface, such as a table?

4 A Yes. I think the overall principle is  
5 similar to the first iPad, even though the formal --  
6 the -- the final definition is -- is different.

7 But the -- it's the same principle, which is  
8 there is an edge that is essentially raised from  
9 the -- the desktop, and that your fingers can go  
10 underneath.

11 Q Did you have any involvement in the -- the  
12 design or the creation of the application icons for  
13 the iPhone?

14 A For the first iPhone?

15 Q Right.

16 A I recall Steve showing them to me during a  
17 number of stages in development, and we had  
18 discussions. I don't recall what the discussions  
19 were, but I do recall seeing them.

20 Q Did you make any comments or have any input  
21 into the -- the look of the icons or the -- the layout  
22 of the icons for the first iPhone?

23 A I recall being shown the work. I recall  
24 discussions about it, but I couldn't describe that as  
25 input because I don't know. I can't recall whether --

1 I can't recall what I said, and I can't recall if  
2 there was a consequence to anything that I said.

3 Q Do you recall whether the shape of the icons  
4 that you saw in the versions that Mr. Jobs showed you  
5 were in the form of a rectangle with rounded corners?

6 A I think -- yes, I think I recall the shape of  
7 the icons, and that they were square with -- with  
8 radii on each of the four -- four corners.

9 Q And do you have any knowledge or information  
10 as to what the source of that shape was? In other  
11 words, where that shape came from?

12 A I -- I don't recall.

13 Q Do you know whether that shape was based on  
14 prior icon shapes?

15 A I don't recall.

16 Q Do you have any knowledge or information as  
17 to the -- the source of the icon layout that was used  
18 for the first iPhone; namely, that kind of grid  
19 pattern?

20 A No, I don't recall.

21 I think my involvement was very much Steve  
22 showing me, This is the work that's being done, and --  
23 and then I would assume with being -- asking my  
24 opinion, but I don't recall that.

25 Q Do you recall having any other communications

1 three-dimensional designer, I find that very difficult  
2 to answer.

3 MR. ZELLER: Q. And so when you say  
4 "difficult," does that mean you cannot answer it?

5 A I cannot feel comfortable with -- that I've  
6 answered your question well.

7 Q Well, I'm trying to find out: Are you saying  
8 it's impossible to answer my question?

9 MR. JACOBS: Object to the form.

10 THE WITNESS: Could you ask me your -- your  
11 question again.

12 MR. ZELLER: Q. Focusing your attention on  
13 the -- the design that's shown here in Exhibit 1178,  
14 all right, is there any interpretation of this design  
15 that you have that would mean that this design shown  
16 here in Exhibit 1178 is substantially the same as the  
17 design of the front face of the first iPhone?

18 A There is one interpretation that -- of -- of  
19 this limited information that would make this  
20 similar -- very similar to the first iPhone.

21 Q I'm -- let's please mark as Exhibit 1179 a  
22 one-page document which is a comparison of -- of three  
23 phone designs.

24 (Document marked Exhibit 1179  
25 for identification.)

1 THE WITNESS: Thank you.

2 MR. ZELLER: Q. Do you recognize the design  
3 of the -- the phone that's shown here on the far  
4 right?

5 A That could be a representation of the first  
6 iPhone.

7 Q Do you recognize the design that's shown here  
8 in the middle on Exhibit 1179?

9 A Again, that could be a representation, yes,  
10 of the front elevation -- an orthographic  
11 representation of the first -- the first iPhone.

12 Q Comparing the designs that are shown here in  
13 Exhibit 1179, do you believe that these three designs  
14 we have here on this page are -- are basically and  
15 essentially the same design to one another, or do you  
16 believe that they are different?

17 A I think there is an interpretation -- as we  
18 said earlier, one of many. But based on these lines  
19 here, there is an interpretation where there are many  
20 elements that could be interpreted in the same way  
21 between the phone that is on my left and then the two  
22 that are on the -- on the right.

23 Q And by that, do you mean that there are --  
24 there's an interpretation of these -- these designs,  
25 these drawings that we have here --



1 A Yes.

2 Q -- these views that, from your view, make  
3 them overall, in terms of their impression, to be  
4 similar rather than different designs?

5 A I'm sorry. Could you repeat that.

6 Q Sure. I'm just trying to make sure I  
7 understand your answer.

8 When you -- when you -- in your answer, when  
9 you're talking about these --

10 A Yes.

11 Q -- a comparison between these designs --

12 A Yes.

13 Q -- overall, from their overall impression  
14 that you see, based on the information that you have  
15 here comparing these three designs, do you believe  
16 that they create the overall same impression of  
17 design, or would you consider them to be overall in  
18 their impression to be different designs?

19 A What I'm saying is that with limited  
20 information, that there is an interpretation, based on  
21 the information I have in front of me, that these  
22 could feel like three very similar designs, or that  
23 this one is very similar to -- if I interpret the two  
24 on the right in the same way, that the one on the left  
25 could feel very similar to the ones on the right.

1 products that we're developing.

2 Q As of the time that you began first working  
3 on the iPhone design -- this first iPhone design, what  
4 other manufacturer of mobile phones were you aware of?

5 A Can you -- it would help me if you could  
6 define what you mean by the word "aware of."

7 Q Well, let me ask it this way: I take it as  
8 of the time when you started working on the -- the  
9 design that resulted in the first iPhone design --

10 A Yes.

11 Q -- you had seen other mobile phones --

12 A Yes.

13 Q -- as of that time?

14 A Yes, I had seen --

15 Q Which ones do you remember seeing as of that  
16 time?

17 A I remember seeing a Motorola StarTAC. I  
18 remember a Sony Ericsson product. I'm afraid I can't  
19 remember the name -- you know, the model number of  
20 that. I remember a -- I remember a Nokia vaguely.

21 I think I was using a -- I think I was  
22 personally using at the time a Motorola StarTAC.  
23 What -- I can't recall the name. It was developed  
24 from the StarTAC.

25 Q Was it the Razr?

1           A    Yes.  I think that was the product that I was  
2 using.

3           Q    Anyone -- any others that you can remember  
4 seeing as of that time?

5           A    Golly, I can't remember.  Yeah, this is five  
6 years ago now.

7           Q    Let me show you what was previously marked as  
8 Exhibit 8, which is a copy of United States Design  
9 Patent 504,889.  And please let me know when you've  
10 had a chance to take a look here at Exhibit 8.

11          A    Okay.

12          Q    First, do you recognize Exhibit 8 as a U.S.  
13 design patent that you're a named inventor on?

14          A    I do.

15          Q    And did you actually contribute to this  
16 design?

17          A    Yes, I did.

18          Q    In your view as an inventor of this design  
19 shown here in the '889 design patent --

20          A    Yes.

21          Q    -- what was new or original about it as  
22 compared to other designs that were in existence?

23               MR. JACOBS:  Objection; lacks foundation.

24               THE WITNESS:  Could you ask me that question  
25 more specifically, please.

1 MR. ZELLER: Yeah, sure.

2 Q You understood, generally speaking, that to  
3 obtain a design patent --

4 A Yes.

5 Q -- you have to have something that's new or  
6 original about a design, compared to designs that are  
7 already out there?

8 A Yes.

9 Q And in fact, you recall that when you -- you  
10 signed papers --

11 A Yes.

12 Q -- as a design patent inventor, part of what  
13 you attest to to the patent office, in other words,  
14 what you swear to, is that -- that what you've created  
15 is a new and original design; do you generally recall  
16 that?

17 A I -- I recall that when I signed those  
18 papers, that I'm saying that I am not aware of  
19 anything previously that would render this not new.  
20 So yes, I remember that.

21 Q And so taking a look at the design that's  
22 depicted here in Exhibit 8 --

23 A Yes.

24 Q -- from your perspective as an inventor, what  
25 was different or new or original about this compared

1 or different from existing designs as of the time that  
2 this design was created?

3 A I think that -- I think that covers it in  
4 terms of the form.

5 I think the -- the -- the construction, you  
6 know, the -- this, you know, singular clear part and  
7 then this singular rear casing, just the simplicity  
8 of -- of how -- you know, that architecture, the  
9 simplicity of that, I think, was, to me, seems --  
10 seems very new, given what the product is, which is a  
11 handheld tablet device.

12 Q Can I please have the '035 mockup.

13 MR. JACOBS: Yeah.

14 THE WITNESS: Have you finished with -- can I  
15 move these, or are you --

16 MR. ZELLER: Sure.

17 Q I'm not promising to be finished with them,  
18 but -- but we can move them out of your way --

19 A Let's move them out of my way.

20 Q -- if it makes life easier for you.

21 MR. JACOBS: You want to take a break while  
22 we -- because I think this is probably a good --

23 MR. ZELLER: Yeah, this is a good time.

24 THE VIDEOGRAPHER: This is the end of

25 Disc No. 4, Volume I.

1 We are off the record at 4:02 p.m.

2 (Recess taken.)

3 THE VIDEOGRAPHER: This is the beginning of  
4 Disc No. 5, Volume I.

5 We are back on the record at 4:25 p.m.

6 You may proceed.

7 MR. ZELLER: Q. What I'd like to show you is  
8 a three-dimensional mockup of a tablet that's been  
9 produced by Apple in this case, and it's generally  
10 known as the 035 mockup or -- or prototype, and please  
11 take a look at that.

12 Have you seen the 035 mockup before?

13 A Yes, I have.

14 Q And when do you remember first seeing the 035  
15 mockup?

16 A My recollection of -- of first seeing it is  
17 very hazy, but it was, I'm guessing, sometime between  
18 2002 and 2004, some -- but it was -- I remember seeing  
19 this and -- and perhaps models similar to this when we  
20 were first exploring tablet designs that ultimately  
21 became the iPad.

22 Q Do you recognize the 035 mockup as a mockup  
23 that the Apple model shop produced?

24 A I actually don't know which model shop  
25 made -- made this, but I recognize this as a model

1 that was produced during our exploration.

2 Q Do you recall if the -- the group that  
3 produced the actual physical model of this 035 mockup  
4 was an internal group or whether it was an outside  
5 vendor?

6 A I have no -- no recollection.

7 Q Is the 035 mockup a tablet design that you  
8 personally worked on?

9 A It was -- the best of my recollection, this  
10 was a design that was modeled as a consequence of the  
11 way that we work, which is as a team.

12 Q Do you recognize the 03 mockup design as a  
13 design that you, among other people, invented?

14 A You said 03.

15 Q '5 mockup, the physical one that you have in  
16 front of you?

17 A Yes, I recognize this as one of -- one of the  
18 models that we made as part of the design process, as  
19 part of the exploration.

20 Where my recollection is hazy is trying to  
21 remember, you know, at what point in the exploration  
22 we made this, the circumstances around making it.

23 But I certainly recognize it as a model that  
24 we made as part of that exploration.

25 Q Is the design that's shown in the '889

1 design patent, which is marked as Exhibit 8, the same  
2 design as the 035 mockup?

3 A I think that there are many similarities.

4 Q Apart from being able to say that there are  
5 many similarities, can you tell me with any certainty  
6 one way or another whether the design that's shown in  
7 the '889 design patent is the same design as the 035  
8 mockup?

9 MR. JACOBS: Objection; lacks foundation.

10 THE WITNESS: I can say confidently that  
11 there are many, many elements that are represented in  
12 this model that I see in our patent.

13 MR. ZELLER: Q. And can you tell me anything  
14 beyond that with any certainty in terms of whether  
15 that's the same design or not?

16 A I think I -- I think I've done my best to  
17 answer the question, which is I think there are many  
18 elements that I see here that I see in our design  
19 patent.

20 Q Are you aware of any three-dimensional  
21 models --

22 A Yeah.

23 Q -- of any tablet designs that were created  
24 prior to March 17, 2004, that was closer in its  
25 appearance to the design that's shown in the



1 '889 design patent than the 035 mockup?

2 A I'm not aware of any that are closer or less  
3 close. I recall this model; I, of course, recall this  
4 patent, and I can see many similarities.

5 Q Is it your best understanding that the model  
6 that was created to reflect the design that's shown  
7 here in the '889 design patent is the 035 mockup, or  
8 is it your impression that there's another mockup that  
9 was a rendition -- a three-dimensional rendition of  
10 the '889 design?

11 MR. JACOBS: Objection; lacks foundation.

12 THE WITNESS: Yes, and I'm afraid I also  
13 don't understand your question. You said is there  
14 another model that reflects this.

15 My sense is that we would make a model, and  
16 then from what we learned, we would then work on  
17 defining a patent, not the other way around.

18 MR. ZELLER: And that's fair enough. So let  
19 me -- let me rephrase it.

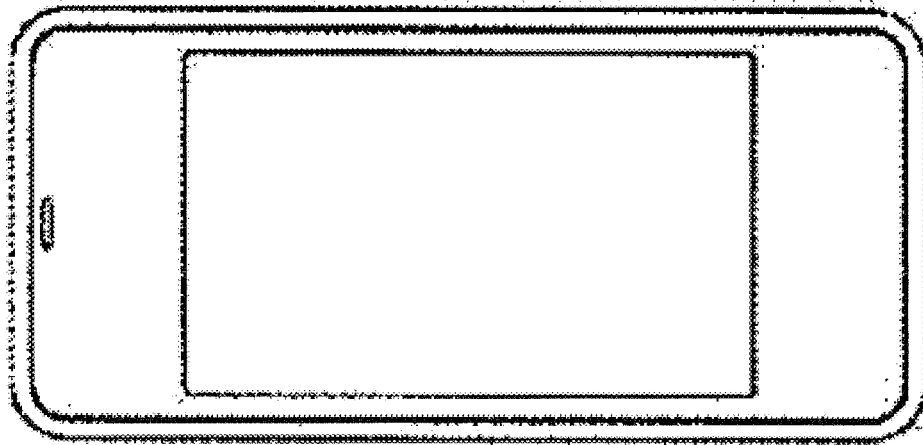
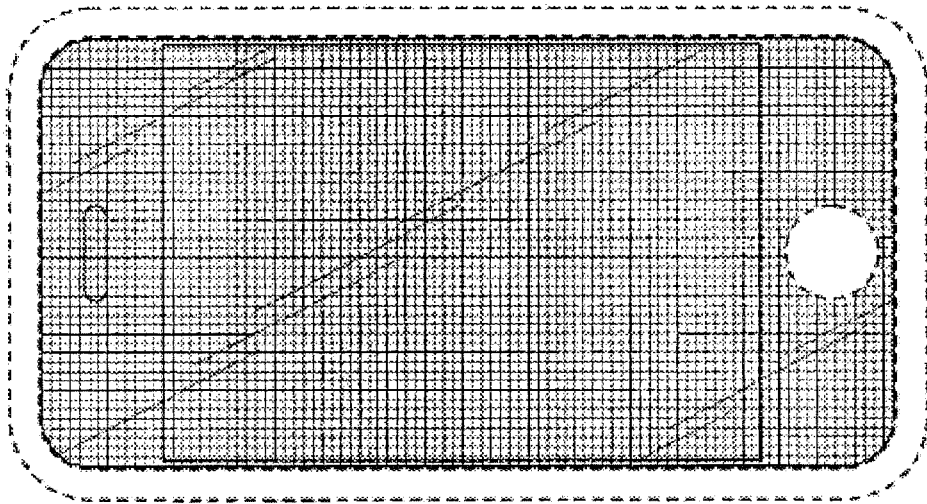
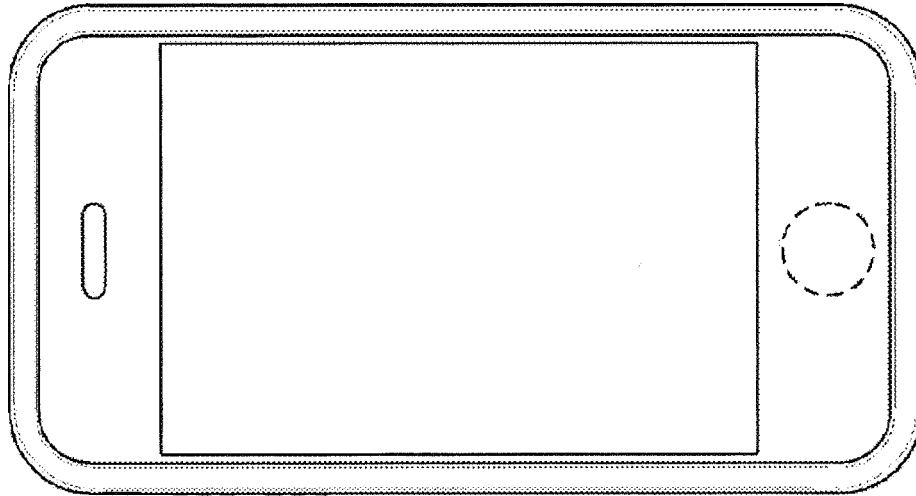
20 Q You have in front of you the 035 mockup.

21 A Yes.

22 Q And I'll tell you, that's -- that's the one  
23 that we have here.

24 A Yes.

25 Q And so what I'm really trying to find out is:



1VE  
EXHIBIT NO. 179  
12-1-11  
Andrea Ignacio, CSR 9830