

EXHIBIT 11

1 UNITED STATES INTERNATIONAL TRADE COMMISSION
2 WASHINGTON, D.C.
3
4

5 In the Matter of:

6 CERTAIN ELECTRONIC DIGITAL
7 MEDIA DEVICES AND COMPONENTS Inv. No. 337-TA-796
8 THEREOF
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_____ /

12 CONFIDENTIAL BUSINESS INFORMATION
13 PURSUANT TO THE PROTECTIVE ORDER
14

15 VIDEOTAPED DEPOSITION OF DOUGLAS SATZGER
16 SAN FRANCISCO, CALIFORNIA
17 THURSDAY, FEBRUARY 9, 2012
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23 BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CCRR, CLR
24 CSR LICENSE NO. 9830
25 JOB NO. 45787

1 THE WITNESS: Are we now speaking about now
2 or --

3 MR. ZELLER: Q. I'm talking about today.

4 A -- or 2000s?

5 Q Today.

6 A There are products in the market that way,
7 yes.

8 Q And -- and you -- you don't think that it's
9 easier to keep those products clean --

10 MR. DAVIS: Argumentative.

11 MR. ZELLER: Q. -- where they have a flat
12 surface as opposed to having a bezel on the -- the top
13 of the screen?

14 A Well, I answered the question of, is it a
15 fact that it's easier to clean a flat screen than a
16 larger, non-flat screen with a -- with or without a
17 bezel.

18 And if you can -- can you restate the first
19 question.

20 Q Yeah. I think -- I think we somewhere got
21 our wires crossed.

22 A Yeah.

23 Q I'm just trying to find out if from -- from
24 your advan -- excuse me. Let me just rephrase the
25 whole question.

1 I'm just trying to find out from your
2 understanding and perspective as a designer whether
3 it's true that having a -- a device -- an electronic
4 device that has a flat screen, as opposed to having a
5 bezel or a rim or a frame on top of that screen, is
6 easier to keep clean?

7 A Yes. And that would be the case independent
8 of a flat monitor or a CRT.

9 Q And it's true that one reason why it's easier
10 to keep clean in those circumstances is because dirt
11 and other materials can get caught up in that edge and
12 make it very difficult to -- to keep clean?

13 A That would be one of them.

14 Q Is one reason, too, as you understand it,
15 that flat screens become more popular over time, in
16 addition to the cost considerations and these other
17 advantages that we talked about, is that touch
18 technology has improved over time?

19 MR. HUNG: Objection; vague; calls for expert
20 opinion.

21 THE WITNESS: Touch -- touch technology has
22 improved, yes.

23 MR. ZELLER: Q. And -- and is it generally
24 the case that by incorporating a touch screen
25 technology into a display screen, that means that

1 there can be fewer buttons or even no buttons on the
2 device because it's all done through the -- the
3 virtual buttons that appear on the display screen?

4 MR. HUNG: Objection; vague; compound; calls
5 for expert opinion.

6 THE WITNESS: It's possible.

7 MR. ZELLER: Q. Well, do you agree that over
8 time that by incorporating the touch technology into
9 the display screen, it can make the mobile devices
10 more compact, more mobile?

11 MR. HUNG: Same objections; asked and
12 answered.

13 THE WITNESS: Touch technology is -- is
14 integrated into the stack-up of the screen. So the
15 screen is completely separate. So I'm going to be
16 really careful about how I answer these because
17 understanding that process...

18 (Sotto voce discussion between counsel.)

19 MR. ZELLER: Let's please mark as Exhibit 1 a
20 copy of United States Patent 7,768,462, which is
21 entitled "Multiband antenna for handheld electronic
22 devices."

23 (Document marked Satzger Exhibit 1
24 for identification.)

25 THE WITNESS: Sorry. Can I get a glass of

1 Q Directing your attention to the text of the
2 patent. So you want to flip past the drawings, and
3 you'll get to a page that is leading -- that has the
4 heading "Multiband Antenna for Handheld Electronic
5 Devices." And if you could please then turn to the
6 next page, and you'll see that there are Columns 3 and
7 4 of text.

8 A Yes.

9 Q And just to give you a little bit of context
10 here, if you can take a look at -- starting at line 24
11 of Column 4, you'll see that there are some numbers
12 running down the center between the two columns.

13 A Uh-huh.

14 Q And it starts off, it says "Housing may have
15 a bezel," and then continues on; do you see that?

16 A Uh-huh, yes.

17 Q So if you could read to yourself that
18 paragraph and then the next paragraph which begins on
19 line 35:

20 "Bezel may serve to hold a display or other
21 device with a planar surface in place on device."

22 A Yes. Okay. Yes.

23 Q And you'll see as part of the context here,
24 it's talking about in the example of Figure 1; did you
25 see that portion?

1 A Yes.

2 Q So then picking up with the next paragraph,
3 and this is the paragraph beginning with line 45 and
4 runs through 53.

5 A Yes.

6 Q So if you could please read that paragraph to
7 yourself, and let me know when you've had a chance to
8 do that.

9 A Okay. Yes.

10 Q Do you agree in the context of the smartphone
11 that an advantage of integrating a touch screen into
12 the display to make the display touch sensitive is
13 that this type of arrangement can save space and
14 reduce visual clutter?

15 MR. HUNG: Objection; foundation; calls for a
16 legal conclusion and expert opinion.

17 THE WITNESS: From a design point of view,
18 yes.

19 MR. ZELLER: Q. And then, directing your
20 attention to the next page, you'll see that there's
21 Column 5 on the left-hand side.

22 A Yes.

23 Q And then if you could please read that first
24 paragraph to yourself, and let me know when you've had
25 a chance to do that.

1 A Yes.

2 Q Do you agree that in configurations such
3 where the -- the bezel is formed around the periphery
4 of the surface of an electronic device, for example,
5 where the -- the bezel runs around the periphery of
6 the front face of the device, the bezel may help to
7 prevent damage to the display by shielding it from
8 impact in the event that the -- that the device is
9 dropped?

10 MR. HUNG: Objection; calls for a legal
11 conclusion and expert opinion; also compound.

12 THE WITNESS: It can.

13 MR. ZELLER: Q. That is your -- certainly
14 your understanding of one advantage of having the --
15 the bezel around the edge of a mobile electronic
16 device?

17 MR. HUNG: Asked and answered; same
18 objection.

19 THE WITNESS: It's -- it's one solution.

20 MR. ZELLER: Q. And it's one advantage to
21 having the bezel in that -- that place around the
22 front face of the device; right?

23 A I think it's a solution.

24 MR. HUNG: Same objections.

25 THE WITNESS: Sorry.

1 MR. HUNG: You can answer.

2 THE WITNESS: It's a solution.

3 MR. ZELLER: Right.

4 Q And I think we're not quite on the same page,
5 because what I'm trying to find out is -- you're
6 saying it's a solution.

7 But I'm asking: When that solution is used,
8 is that an advantage?

9 So let -- let me try -- try it this way: In
10 those instances where the solution that is chosen is
11 to have the -- a bezel that runs around the front face
12 of an electronic device, one advantage of that
13 configuration is that it can help prevent damage to
14 the display in the event that the device is dropped,
15 for example?

16 MR. HUNG: Objection; calls for expert
17 opinion.

18 MR. DAVIS: Incomplete hypothetical.

19 THE WITNESS: If -- if the bezel is designed
20 to protect the glass, then correct. If the bezel is
21 designed as decoration, then it serves no function
22 other than cosmetic decoration.

23 MR. ZELLER: Q. Well, in the context of the
24 first generations of iPhone that you worked on, which
25 you'll recall is the -- the context in which we're

1 talking about for this patent --

2 A Uh-huh.

3 Q -- is it the case that the placement of a
4 bezel with the first iPhone such that it ran around
5 the periphery of the front face of the device, that
6 it -- one advantage of -- of that configuration is
7 that it helped protect the display in the event that
8 the phone is dropped?

9 MR. HUNG: Objection; assumes facts; calls
10 for expert opinion.

11 THE WITNESS: In the design of the iPhone,
12 yes, it was a very structural forged metal piece that
13 was the structure of the product.

14 MR. ZELLER: Q. And in addition to the fact
15 that it was a structural forged metal, the placement
16 of the bezel around the front face of the iPhone
17 helped protect the display as well; right?

18 MR. HUNG: Asked and answered; calls for
19 expert opinion.

20 THE WITNESS: That was the goal of it, yes.

21 MR. ZELLER: Q. And in fact, when you were
22 working on the first generation of iPhone, as well as
23 the 3G and the 3GS, you from time to time saw or at
24 least were told about drop test reports for the -- for
25 the designs that you were working on; right?

1 A Correct. I did not see. I was told and
2 understand that pretty much every product has to go
3 through those two, either to meet carrier's
4 specifications, additionally the carriers too, as
5 well.

6 Q And certainly, you understood that
7 components, such as the configuration of the -- the
8 bezel for these various iPhones, were -- were tested
9 in order to determine how well they did or didn't
10 protect the device when it was dropped; right?

11 MR. HUNG: Objection -- objection; calls for
12 expert opinion; compound.

13 THE WITNESS: Yeah, I would assume that
14 that's part of the trial.

15 MR. ZELLER: Right.

16 Q That was your understanding, based on
17 information you heard and received when you were there
18 at Apple; right?

19 MR. HUNG: Same objection; asked and
20 answered.

21 THE WITNESS: Yes.

22 MR. ZELLER: And I know you mentioned that
23 you yourself didn't receive the written reports about
24 drop testing and other kinds of stress testing that
25 was done there within Apple.

1 Q How is it you would typically receive that
2 information when you did receive it?

3 A For my role in the group, I would receive it
4 through discussions as the -- part of the
5 collaborative team of designers.

6 Q All right.

7 And you had, when you were focused on the
8 materials and color --

9 A Yes.

10 Q -- there at Apple, a technical liaison you
11 worked with?

12 MR. HUNG: Objection; vague.

13 THE WITNESS: Many.

14 MR. ZELLER: Q. Was there a particular
15 technical liaison you worked with?

16 A It depends on the material or the application
17 or the process in the stage of the program.

18 Q Let me try it this way: There was a Ron
19 Moller --

20 A Yes.

21 Q -- who you worked with as a technical
22 liaison?

23 A He was the industrial design color team's
24 technical lead for color materials and finishes.

25 Q And did Mr. Moller liaison with the drop

1 same places, that kind of language does not appear in
2 the "Description" area?

3 A Correct.

4 Q And so is it the case that when you look at
5 the '677 design patent, you can't tell one way or
6 another whether those various areas with the broken
7 line are part of the -- the claim design or not?

8 MR. HUNG: Calls for a legal conclusion.
9 You can answer.

10 THE WITNESS: I -- I don't know. I don't
11 understand why this is -- has a mesh and what this
12 patent is applying to, "a mesh" meaning the screen
13 hatch on the -- "screen" meaning a wire screen hatch
14 on the front surface of Figure 1 and Figure 3.

15 MR. ZELLER: Q. And in your last answer, you
16 were talking about the '677 design patent?

17 A Yes.

18 Q If -- if we were to assume for a moment that
19 that hatching pattern that's there on that top or
20 front surface is a designation of the color black, do
21 you believe that the use of the color black for
22 electronic devices by the 2006 time period was
23 something that was -- was new or original?

24 A Assuming for some reason that that is
25 representing black, no.

1 Q You would agree that by the 2006 time period,
2 black was a very standard color for electronic
3 devices, including portable electronic devices?

4 MR. HUNG: Objection; calls for expert
5 opinion.

6 THE WITNESS: Yes.

7 MR. ZELLER: Q. In fact, you would agree
8 that black was a common color for electronic devices,
9 including mobile electronic devices, going back to the
10 2000 time period and earlier; right?

11 MR. HUNG: Same objection.

12 THE WITNESS: I can't go back that far. I
13 don't -- you know, mobile devices -- but it was
14 common.

15 MR. ZELLER: Q. Certainly just in terms of
16 the overall -- well, I'm sorry.

17 In terms of electronic devices that you were
18 familiar with by the 2000 time period, you would agree
19 that common coloring for them were -- was black?

20 A In the electronics industry, black materials
21 are used, yes.

22 Q When you say they are -- they were used,
23 you -- you would agree that in the electronics
24 industry, black materials and the color black was --
25 was commonplace at least as early as 2000?

1 A Yes.

2 MR. HUNG: Objection; asked and answered.

3 THE WITNESS: Sorry.

4 Yes.

5 MR. ZELLER: Q. Do you recall ever having
6 any kind of discussion or you yourself thinking, back
7 when you were working on the -- the first iPhone
8 design, that having the color black for the device was
9 somehow new or original?

10 A No.

11 Q Was the same true with respect to the color
12 black back during the time period when you were
13 working on the tablet computer designs?

14 A No.

15 Q I'm sorry. It's a true statement that --
16 with respect to the tablet computers?

17 A Yes.

18 Q And maybe just so we have a clear record -- I
19 apologize. I'm sure it's my fault.

20 But do you recall ever having any kind of
21 discussion or you yourself thinking, back when you
22 were working on the tablet computer designs within
23 Apple, that having the color black for the device was
24 somehow new or original?

25 MR. HUNG: Objection; vague; assumes facts.

1 the same or the same, or would you consider it to be a
2 different design from just an appearance point of
3 view?

4 MR. HUNG: Objection; vague; calls for a
5 legal conclusion.

6 THE WITNESS: I'd say it would be very
7 similar to -- to the customer.

8 MR. ZELLER: Q. But at least in terms of the
9 overall aesthetic of the display, you would agree that
10 changing or revising that front surface of the design
11 of the iMac as it was actually released, and then
12 making that front surface coplanar from edge to edge
13 so it's continuous, would, for all practical purposes,
14 from the consumer's point of view, be the same
15 design --

16 MR. HUNG: Objection --

17 MR. ZELLER: Q. -- in its appearance?

18 MR. HUNG: -- objection; calls for an expert
19 opinion; calls for a legal conclusion.

20 THE WITNESS: It would be very similar from a
21 distance, yes.

22 MR. ZELLER: I think I'm trying to drive at
23 something different.

24 Q In terms of that overall aesthetic, do you
25 think it would be essentially the same to the -- to

1 the end user?

2 MR. HUNG: Objection; vague; calls for an
3 expert opinion; calls for a legal conclusion.

4 THE WITNESS: Yes.

5 MR. ZELLER: Let's please mark as Exhibit 8 a
6 multipage document, which is an excerpt from a book
7 called Apple Design by Paul Kunkel.

8 (Document marked Satzger Exhibit 8
9 for identification.)

10 THE WITNESS: Thank you.

11 MR. ZELLER: And what I'll do is I'll hand
12 you an actual copy of the Apple Design book by Paul
13 Kunkel, and I have flagged for you page 144.

14 And for record purposes, we marked as
15 Exhibit 8 -- the first page is a photocopy of page 144
16 from the Kunkel book.

17 Q And so I'll hand that to you now.

18 A Wow.

19 Q First, you -- you've seen the Apple Design
20 book by Paul Kunkel before?

21 A Yes.

22 Q Did you see it back in the time period -- in
23 the 1997 time period when it came out?

24 A Yes.

25 Q And when you saw it back in the 1997 time

1 period, did you -- did you actually look through it
2 and read it?

3 A Parts of it, yes.

4 Q Did you find it to be an interesting book, I
5 mean, just from the perspective of showing the history
6 of -- of Apple Design?

7 A Yeah, reasonably, yeah.

8 Q And -- and you were an Apple designer at the
9 time when the book came out?

10 A Yes.

11 Q And you were interviewed by Mr. Kunkel for
12 some biographical information?

13 A Basic, yes.

14 Q And then you do recall seeing the book at
15 about the time it was published back in '97?

16 A Yes.

17 Q And do you remember how you got it?

18 A That -- I got it through the office, and I
19 don't know if it was -- you know, how we got it. I
20 don't know if we -- we purchased them or what. Yeah.

21 Q Do you remember there being a number of
22 copies that -- that designers received at the time it
23 came out?

24 A Yes.

25 Q And -- and regardless of the mechanics,

1 you -- you got it through the company in some way?

2 A Yes.

3 Q And were you actually provided a copy of your
4 own or --

5 A Yeah, I have a copy.

6 Q All right.

7 And directing your attention to page 144,
8 you'll see that there is -- there are three
9 photographs on this page, and you'll see that there's
10 a larger one on the bottom.

11 A Yes.

12 Q And for reference, it's -- that's what's
13 referred to as Plate 195.

14 A Yes.

15 Q And just -- I'll read it into the record:

16 "195 showing the desktop brain box, flat
17 panel display and keyboard."

18 And then it says:

19 "Industrial design, Apple Computer, Gavin
20 Ivester" --

21 A Ivester.

22 Q -- "that" -- T-H-A-T -- "San Francisco,
23 California, Tony Guido and Sigmar Willnauer. Dates of
24 design, April through June 1989."

25 Do you see that?

1 A Yes.

2 Q And this page 144 was in this Paul Kunkel
3 book that you saw back in the 1997 time period; right?

4 A Yes.

5 Q And taking a look at the front of the display
6 panel that's shown here, do you see that, setting
7 aside the stand that it's sitting in, that the front
8 surface there appears to be flat and continuous from
9 edge to edge?

10 MR. HUNG: Objection; the document speaks for
11 itself.

12 THE WITNESS: It appears to be.

13 MR. ZELLER: Q. You don't have any reason to
14 doubt that?

15 A No.

16 Q And you don't have any reason to doubt that
17 you and other designers there at Apple, in fact, saw
18 this picture that's on page 144, as well as other
19 pictures back in the book in the 1997 time period when
20 it came out?

21 A Correct.

22 Q During the time period when you were there at
23 Apple, did you do any explorations in iPhones that
24 were white?

25 A Time frame again?

1 Q When you were at Apple.

2 A Yes.

3 Q It's the case that with respect to the first
4 iPhone, as well as the 3G and the 3GS, those phones
5 did not come in the color white to consumers?

6 A The first generation iPhone did not come in
7 white. The second generation came in white.

8 Q The 3G did?

9 A The 3G and the 3GS came in white.

10 Q All right.

11 And then there was a -- an iPhone 4 that was
12 in white as well --

13 A Yes.

14 Q -- after you -- it came to market after you
15 left?

16 A Yes.

17 Q And did you work on the white iPhone 3G or
18 3GS?

19 A Yes.

20 Q Did you work on both of those?

21 A Let's see here. They are pretty much the
22 same product, so I would say yes.

23 Q With respect to the 3G and the 3GS, at least
24 in terms of whatever work was done in order to create
25 a white phone, it was the same?

1 the user to see?

2 A Components of the -- of the construction are
3 manufacturing, and those are -- could be adhesion,
4 glues. All these things need to have assembly methods
5 from part to part.

6 Q With respect to the first generation of
7 iPhone --

8 A Yes.

9 Q -- were there -- were there any components or
10 any -- was anything hidden by the mask for that
11 product in the way that we've been talking about it?

12 MR. HUNG: Objection; vague.

13 THE WITNESS: Yes.

14 MR. ZELLER: Q. And what is it that the --
15 the black mask for the first iPhone hid in terms of
16 components or whatever else it was?

17 A Components and the attachment method or the
18 gluing of the front glass to the LCD.

19 Q The black mask was used to make less visible
20 to the user the -- the point of attachment?

21 A The -- the style of attachment or point of
22 attachment.

23 Q And what were some of the components that
24 were hidden by the black or dark mask for the first
25 iPhone?

1 A The front button assembly, the assembly of
2 the mesh in the earpiece, and the gluing of it to the
3 LCD.

4 Q Anything else you remember?

5 A No.

6 Q And then with respect to the iPhone 3G and
7 3GS, was the black mask used to hide any components or
8 attachments or anything else?

9 A Yes.

10 Q And what was the black mask used for for the
11 3G and the 3GS in that regard?

12 A Same things. Components. Pretty much all
13 the same stuff.

14 Q And this point of attachment or adhesion?

15 A Yes, yeah.

16 Q And when you say "components" here with
17 respect to the 3G and the 3GS, these are the same
18 components you listed for the first iPhone?

19 A Yes.

20 Q Then with respect to the iPod Touch products
21 that you worked on, did they also have that black mask
22 area?

23 A Yes.

24 Q And with respect to the generations of the
25 iPod Touch that you worked on, did the black mask

1 serve to hide components or attachments or adhesion?

2 A Yes.

3 Q And is it the case that, as with the iPhone
4 version that we talked about, that with respect to the
5 iPod Touch products you worked on, the black mask was
6 used to hide components and the points of attachment
7 or adhesion between the screen components and other
8 parts of the phone?

9 A Yes.

10 Q Or in the case of the iPod Touch, the iPod
11 Touch?

12 A Yep.

13 Q And then what were the components that you
14 can recall the black mask hiding with respect to the
15 iPod Touch?

16 A Everything: The components, ambient light
17 sensors, the battery, antenna assemblies, connectors,
18 the home button, attachment methods, any internal
19 structure.

20 Q And in terms of ensuring that the black mask
21 was able to actually hide the components and the
22 points of attachment or adhesions -- or adhesives,
23 rather -- for the iPhone products and the iPod Touch
24 products that you worked on, did you work with
25 particular technical people to ensure that that was

1 there's a page called "Stringer Exhibit 1"; you see
2 that?

3 A Yes.

4 Q And then if you turn the page, you'll see
5 that there are some CAD drawings here.

6 A Uh-huh.

7 Q In particular, there are two pages of CAD
8 drawings right behind Exhibit 1.

9 A Yes.

10 Q Do you recognize this?

11 A Yes.

12 Q And what do you recognize this as?

13 A As the first concept around the iPhone.

14 Q And by this time --

15 A It was -- it was not called the iPhone at
16 that time. Sorry.

17 Q Right.

18 A It was just a mobile device.

19 Q And by this time, were we into the period you
20 were talking about earlier where it was already now
21 being conceptualized as a phone?

22 A Yes.

23 Q And when you were talking about the -- the
24 fact that the project became a phone, once there was a
25 touch screen, is this the kind of touch screen that

1 you're referring to?

2 A Yes.

3 Q And then if you take a look at Exhibit 2,
4 you'll see that there are a couple of more pages of
5 CAD drawings, as well as a file listing.

6 A Yes.

7 Q And then with respect to those two pages of
8 CAD images that are a part of Exhibit 2, do you also
9 recognize those as early iterations of the mobile
10 phone?

11 A Yes.

12 Q And I take it at some point the decision was
13 made not to go with the -- the design or the -- the
14 hardware that's shown here in Exhibits 1 and 2?

15 A Yes.

16 Q And -- and why -- what was the -- the reason
17 for that --

18 MR. HUNG: Objection.

19 MR. ZELLER: Q. -- this change in direction?

20 MR. HUNG: Objection; foundation.

21 THE WITNESS: My recollection of it was that
22 to get the extruded aluminum design that was applied
23 to the iPod to work for the iPhone, there were too
24 many added features to allow it to be comfortable and
25 to work properly.

1 MR. ZELLER: Q. And if you can please tell
2 me what you mean by that?

3 A If you put an iPod up to your ear, the sharp
4 edges, because of the processes, aren't comfortable,
5 and you can't get antennas to work properly in a fully
6 enclosed metal jacket.

7 So each one of those things needed to apply
8 other features that started. I mean, if you look at
9 the initial concept compared to this one, there's a
10 lot more features than this, and there's a lot more
11 parts so...

12 Q And so as a result, this phone design shown
13 in Exhibits 1 and 2 that we're talking about here to
14 the Stringer declaration would be more complicated to
15 manufacture, more prone to break, and all the other
16 kinds of disadvantages that having a more complex
17 product involved?

18 MR. HUNG: Objection; calls for expert
19 opinion; mischaracterizes prior testimony.

20 THE WITNESS: I -- from a design point of
21 view, it was a lot more challenging.

22 MR. ZELLER: Q. And from your understanding,
23 is having a more complicated product of that kind also
24 more challenging or expensive from a manufacturing
25 standpoint"?

1 MR. HUNG: Objection; vague; incomplete
2 hypothetical; calls for an expert opinion.

3 MR. ZELLER: Q. Or from a reliability
4 standpoint?

5 MR. HUNG: Same objections.

6 THE WITNESS: I can't -- no, I wouldn't say
7 so.

8 MR. ZELLER: Q. You just don't know one way
9 or another?

10 A I don't know, yes.

11 Q And when you say from a design point of view
12 it was a lot more challenging, it was for those
13 reasons you mentioned earlier?

14 MR. HUNG: Objection; vague; asked and
15 answered; mischaracterizes.

16 THE WITNESS: Yes.

17 MR. ZELLER: Q. And you mentioned that it
18 was more difficult to get the antenna, for example, to
19 work in a fully enclosed jacket of the kind that's
20 shown here in Exhibits 1 and 2?

21 A Yes.

22 Q Do you recall, was there testing that you saw
23 or that you heard about being done that -- that backed
24 that up?

25 A Yes.

1 Q And then also you mentioned that another
2 aspect of this design that was shown in Exhibits 1 and
3 2 to the Stringer declaration is, is that by having
4 those sharper edges, it's just not as comfortable up
5 against the user's ear?

6 A Yes.

7 Q Were there other reasons why this was not as
8 comfortable from the -- the user perspective?

9 MR. HUNG: Objection; vague; foundation.

10 THE WITNESS: Not that I recall.

11 MR. ZELLER: Q. And I take it that people
12 within industrial design thought that -- that lack of
13 comfort, having something with the sharp edges up to
14 someone's ear or up next to their head was a -- was a
15 reason not to go with this design?

16 MR. HUNG: Objection; foundation; calls for
17 speculation.

18 THE WITNESS: I think that the solutions that
19 lent themselves to make it more comfortable were not
20 good for the overall design, the extruded shape.

21 MR. ZELLER: Q. And what were those -- those
22 solutions or potentially solu- -- potential solutions
23 you're referring to?

24 A If you look at the -- there's no number on
25 this page, but under Exhibit 2, the second page of

1 open area of the active LCD and the edge of the glass.

2 MR. ZELLER: Q. So is that -- is that an
3 area different from the mask?

4 MR. HUNG: Objection; foundation.

5 THE WITNESS: It's defining the mask.

6 MR. ZELLER: Okay.

7 THE WITNESS: But it also defines the size of
8 the glass.

9 MR. ZELLER: Q. And then with respect to the
10 margins being wider, what's your understanding of --
11 of that?

12 MR. HUNG: Same objection.

13 THE WITNESS: If the short dimensions are 52,
14 they're two millimeters wider than the long
15 dimensions, which would be 50. I'm just grabbing
16 numbers, so just as an example.

17 MR. ZELLER: Q. And were you, yourself,
18 involved in any of the -- the changes to the margins
19 for the tablet in order to accommodate the audio jack?

20 A No.

21 Q Do you know if there were changes that were
22 made to the margins for reasons other than -- than
23 accommodating the audio jack?

24 MR. HUNG: Objection; foundation.

25 THE WITNESS: No, I don't.

1 MR. ZELLER: I'm going to designate as
2 Exhibit 12 a tangible item which is labeled "Apple
3 Proto 0355," and for the record, it was previously
4 marked as Exhibit 1455 at the deposition of Jony Ive,
5 and I'll hand that to you.

6 (Apple Proto 0355 marked Satzger Exhibit 12
7 for identification.)

8 MR. HUNG: I understand our agreement,
9 Mr. Zeller, about showing him documents that he may
10 not have seen previously. Particularly with these
11 models where I'm not sure of the date in terms of when
12 they were created. I wanted to make sure we had an
13 understanding.

14 MR. ZELLER: Yes, I -- I -- I will agree on
15 the blanket basis that anything and everything that --
16 that he sees during the deposition.

17 MR. HUNG: Okay. Thank you.

18 MR. ZELLER: Q. Have you seen that before?

19 A This specific one, I'm not sure. I'm fairly
20 sure this is, yeah, part of the model studies that
21 were done.

22 Q So I take you don't have a specific
23 recollection of this one?

24 A Of this specific design, I do. This model, I
25 don't.

1 Q And -- and so if I understand you correctly,
2 that you do have a -- a general -- I'm sorry.

3 You have a recollection of the design, but --
4 but not as implemented in the three-dimensional model?

5 A I don't know if I've seen this specific
6 model. I'm very familiar with the design, yes, and
7 the reasons why this design is the way it is.

8 Q And so that was going to be my next question.

9 Please tell me what it is that you understand
10 about this design.

11 A The -- there's strong interest in doing two
12 pieces of shaped glass. The part that I am not
13 remembering at all is why the face is broken up this
14 way.

15 Q And setting that part of it aside about why
16 the face is broken up in that way, you recall that
17 there was -- I think as you said, there was a strong
18 interest within the group in doing a smartphone design
19 that had shaped glass?

20 A Yes.

21 Q And the particular prototype or model that
22 you have in front of you, the 0355 model, has shaped
23 glass on both the front and the back?

24 A That was the intent.

25 Q And ultimately this was not a design that was

1 used?

2 A Correct.

3 Q And if you can please tell me what's your
4 understanding of why that design with the shaped glass
5 was not used?

6 A The technology in shaping the glass, the cost
7 relative to shaping the glass at the time, and some of
8 the design features of this specific shape were not
9 liked.

10 Q And when you say that the -- that they were
11 not liked, what do you mean by that?

12 A Originally this line wanted to stay straight
13 all the way through, and to get the transition without
14 shaping, doing a three-dimensional shape or like
15 complex surfacing on this part, this is a
16 single-dimensional process, that we changed it to an
17 extruded glass, and this line had to follow that
18 extrusion, and that shape down there is not as pure as
19 that shape there.

20 Q And for the record, the portions that you are
21 referring to are the side?

22 A The -- let's use the same terminology -- the
23 short order of the phone, the shape of the side.

24 Q And what was your understanding as to the
25 cost of the shaping of the glass?

1 MR. HUNG: Objection; foundation.

2 THE WITNESS: I -- that it was a lot.

3 MR. ZELLER: Q. And did you have an
4 understanding as to why that was?

5 A The technology at the time had a lot to do
6 with it. The qualities of the glass at the time had a
7 lot to do with it. These are models -- I'm trying to
8 remember a time frame -- that were before gorilla
9 glass and before a lot of the other factors.

10 Q And I take it that the 0355 prototype that
11 you have there was a model or a design, I should say,
12 that you saw after the explorations shown in
13 Exhibits 1 and 2 to Mr. Stringer's declaration?

14 A I don't -- I don't recall the time frame.

15 Q You're just not sure of --

16 A I don't know exactly. Yeah, I'm trying to
17 remember the sequence, and I don't know.

18 Q It's 5:05.

19 A Okay.

20 Q So we should probably go off the record and
21 talk for a minute.

22 MR. DAVIS: All right.

23 THE VIDEOGRAPHER: The time is 5:04 p.m., and
24 we are off the record.

25 (Recess taken.)

1 THE VIDEOGRAPHER: The time is 5:12 p.m., and
2 we are back on the record.

3 MR. ZELLER: So we've conferred off the
4 record, and the witness does need to -- to attend to
5 some personal obligations, so we're going to adjourn
6 for the day.

7 I haven't finished my questions. I know that
8 Apple's attorney, as he's mentioned off the record and
9 will undoubtedly confirm on the record as well, also
10 has some question -- some questions, rather, that he
11 has for the witness.

12 So what our intention is is that we'll --
13 we'll let the witness go for today. We'll adjourn the
14 deposition, and we will come to an agreement as to
15 some additional time to conclude the questioning by --
16 by both us and Apple.

17 MR. HUNG: And that is correct.

18 MR. DAVIS: And that's fine with us.

19 The only thing that we would ask is that --
20 is that you guys try to get it in in the next few
21 weeks. You know, let's try to get the date nailed
22 down just because he's got other employment
23 obligations. He's no longer with Apple, so I just
24 want to make sure we get the witness done.

25 MR. ZELLER: Absolutely, and we do actually