

EXHIBIT 18

1 Confidential - Peter W. Bressler

2 UNITED STATES INTERNATIONAL TRADE COMMISSION

3 WASHINGTON, D.C.

4
5 In the Matter of)
6 CERTAIN ELECTRONIC DIGITAL) No. 337-TA-796
7 MEDIA DEVICES AND COMPONENTS)
8 THEREOF

9
10 CONFIDENTIAL

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14 VIDEOTAPE DEPOSITION OF
15 PETER W. BRESSLER
16 Washington, D.C.
17 Monday, April 23, 2012

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23 Reported by:

24 SUSAN ASHE, RMR/CRR

25 Job No.: 48795

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2 those products have been handheld.

3 It seems to me that all of those issues
4 plus some indirect experience with cell phone design
5 and tablet design qualifies me to be an expert in
6 the design of articles of manufacture that may be
7 represented in these patents.

8 Q What is it about your experience in tablet
9 design, computer tablet design and other electronic
10 device design in particular that believes -- that
11 you believe makes you an expert on designs for
12 smartphones?

13 MR. BARQUIST: Objection; asked and
14 answered.

15 A I think the details of my credentials are
16 in my report. I can review them with you if you'd
17 like.

18 Q I think we may not be on the same page.
19 I'm trying to find out something different.

20 What is it about the experience that you
21 have with tablet design and other electronic device
22 design that you believe is relevant to smartphone
23 design?

24 MR. BARQUIST: Objection; asked and
25 answered.

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2 Q In other words, how are those related in
3 your view?

4 A I believe a smartphone is one of a number
5 of electronic products that people relate to and
6 that they hold and they use and they have
7 interaction with. That is not dissimilar from many
8 kinds of products that I've designed over the years.

9 Q Well, is there a kind of commonality, as
10 you understand it, between tablet computer design,
11 just to cite an example, and smartphone design?

12 MR. BARQUIST: Objection; vague and
13 ambiguous.

14 A Perhaps the best answer aside from the
15 credentials that I quoted in my report is to say
16 that the knowledge of design is not unlike knowledge
17 of the law or knowledge of medicine, is that when
18 you practice it long enough, you have experience
19 that's applicable to a broad number of devices.

20 Q Is your experience in tablet design that
21 you talked about earlier today something that in
22 your view is something that is relevant to and
23 something that you're relying upon in being an
24 expert on smartphone design?

25 MR. BARQUIST: Objection; asked and

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2 answered.

3 A I do think I answered that.

4 Q And the answer is yes?

5 A I think it's one of the elements included
6 in my experience.

7 Q I'm trying to maybe find out something
8 that's very simple. Please tell me yes or no, are
9 you relying upon your experience in tablet design
10 for your opinions on smartphone design?

11 A Not exclusively.

12 Q Well, I understand. But that's -- but you
13 are, as part of your opinion, you're relying on
14 that?

15 A That is one of the experiences that I'm
16 relying upon.

17 Q And is there anything about the experience
18 in designing a tablet that you talked about that you
19 would say specifically is the most pertinent or the
20 most relevant in terms of smartphone design?

21 MR. BARQUIST: Objection; vague and
22 ambiguous.

23 A I don't know that I could speculate on
24 that.

25 Q Well, I'm asking from your perspective.

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2 MR. BARQUIST: Objection; asked and
3 answered.

4 A I understand that. I'm not sure that I
5 can answer it.

6 Q Why is that?

7 MR. BARQUIST: Objection; argumentative,
8 vague and ambiguous.

9 A Sitting here, off the top of my head, I
10 don't have an answer to your question.

11 Q Well, can you explain to us from the
12 industrial design perspective why you think your
13 experience in tablet computer design is relevant,
14 among many other things, I understand, but it's
15 relevant to smartphone design?

16 MR. BARQUIST: Objection; asked and
17 answered.

18 A It's relevant in that it includes
19 experience in the design of electronic devices that
20 have displays and that are transportable.

21 Q Do you consider tablet, computer tablet
22 design to be related in some way to smartphone
23 design?

24 MR. BARQUIST: Objection; vague and
25 ambiguous.

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2 A Not directly.

3 Q Indirectly?

4 MR. BARQUIST: Objection; vague and
5 ambiguous.

6 A In the broad sense of design knowledge,
7 yes.

8 Q Any other way?

9 A Not that I can think of at the moment, but
10 I may...

11 Q Well, do you consider your experience in
12 tablet design to be the closest experience that
13 you've had? I'm talking about in terms of
14 relationship to other kinds of projects you've
15 worked on as being the closest to smartphone design?

16 MR. BARQUIST: Objection; vague and
17 ambiguous.

18 A No, I believe my experience in cell phone
19 design was closer and more directly applicable.

20 Q And why is that?

21 A Because it dealt with displays and
22 interfaces that you held in one hand.

23 Q Well, when you were doing your cell phone
24 design, did you draw on your experience in tablet
25 design in any way?

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2 A I honestly don't recall.

3 Q Well, would you consider the field of
4 tablet computer design to be related to the field of
5 smartphone design?

6 MR. BARQUIST: Objection; asked and
7 answered, vague and ambiguous.

8 A Yes.

9 Q Do industrial designers, to your
10 knowledge, draw upon tablet computer designs to
11 inform them about smartphone designs?

12 MR. BARQUIST: Objection; lacks
13 foundation.

14 A I wouldn't know about other designers.

15 Q You don't know one way or another?

16 A I have no opinion on that.

17 Q Well, let me ask specifically with respect
18 to the Apple designers, did the Apple designers who
19 worked on the iPhone designs draw on their tablet
20 computer design experience?

21 A I don't know.

22 Q Did you ask?

23 A I did not specifically ask.

24 Q Do you know what the relationship is
25 between the tablet computer designs that Apple did

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2 in connection with the '889 design patent and the
3 iPhone?

4 A No, I do not.

5 Q All right. Did you notice that the
6 inventors were the same?

7 MR. BARQUIST: Objection; vague and
8 ambiguous, lacks foundation.

9 A I did not.

10 Q You didn't notice that the same --

11 A I noticed that several of them were the
12 same, yes. I didn't examine it that closely.

13 Q In your view, was there anything new or
14 original about using the color black for the front
15 surface of a electronic device design?

16 A When?

17 Q At any time prior to 2006.

18 MR. BARQUIST: Objection; incomplete
19 hypothetical.

20 A Can you repeat the question?

21 Q Sure. Prior to 2006, in your view, was
22 there anything new or original about using the color
23 black for the front surface of an electronic device
24 design?

25 MR. BARQUIST: Same objection.