

EXHIBIT 41

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
16 CONFIDENTIAL
17 ATTORNEYS' EYES ONLY

18
19 VIDEOTAPED DEPOSITION OF DUNCAN KERR
Redwood Shores, California
20 Wednesday, October 26, 2011

21
22 Reported by:
LORRIE L. MARCHANT, CSR No. 10523
23 RPR, CRR, CCRR, CLR
24 JOB NO. 42863
25

1 (indicating) which have three parallel lines.

2 MR. MONACH: Same objection.

3 THE WITNESS: So, again, I'm a designer.
4 I'm not a patent attorney. My assumption is that
5 those lines were put there to represent some legal
6 aspect of this document which I'm not aware of.

7 As a designer, my interpretation of that
8 would be that it's a reflective surface.

9 BY MS. CARUSO:

10 Q. Okay. Do you have any understanding of
11 whether, in Figure 2, the lines that we're referring
12 to as a -- you identified as perhaps being
13 reflective surface are on the front or the back of
14 the device?

15 MR. MONACH: Objection. Lack of
16 foundation. Calls for a legal conclusion.

17 THE WITNESS: From my design interpretation
18 of these drawings, Figure 2 represents the rear
19 surface.

20 BY MS. CARUSO:

21 Q. Do you understand Figure 1 to represent the
22 front surface?

23 MR. MONACH: Same objection.

24 THE WITNESS: Yes.
25

1 BY MS. CARUSO:

2 Q. Do you have any understanding of what the
3 sort of interior line that goes within the outline
4 of the front surface represents?

5 MR. MONACH: Same objection. Vague.

6 THE WITNESS: So this dot -- this dotted
7 line (indicating)?

8 BY MS. CARUSO:

9 Q. Yes.

10 MR. MONACH: Same objection. Lack of
11 foundation. And calls for a legal conclusion.

12 THE WITNESS: Again, as a designer, I would
13 be interpreting this patent drawing, which I would
14 understand that drawing to mean something for a
15 patent attorney. I would be making an
16 interpretation of it as a designer.

17 BY MS. CARUSO:

18 Q. Do you have any understanding of what it
19 represents?

20 MR. MONACH: Objection. Lack of
21 foundation. Calls for a legal conclusion.

22 Continuing instruction not to reveal any
23 attorney-client communications, if you had them.

24 THE WITNESS: It could be a number of
25 things.

1 BY MS. CARUSO:

2 Q. Which are?

3 MR. MONACH: Same objection.

4 THE WITNESS: Making the assumption that
5 this -- has a display visible from the front
6 surface, it could be the edge of the active area of
7 the display.

8 If this were a -- a display which had touch
9 sensing on it, it could be a demarcation of what's
10 active and what's inactive from a touch perspective.
11 It could be -- it could be some -- a design detail
12 on the front surface.

13 It could be -- presuming, again, that this
14 is a reflective material which is transparent, there
15 could be some detail on the back side of that
16 surface. It could be some component inside the
17 assembly, behind the transparent surface.

18 BY MS. CARUSO:

19 Q. In Figure 2, on the right-hand side of the
20 drawing, what looks to be the side edge of the
21 device tapers towards the rear of the drawing.

22 Do you see that?

23 A. You mean --

24 MR. MONACH: Objection.

25

1 BY MS. CARUSO:

2 Q. Yes.

3 MR. MONACH: Assumes facts not in evidence.
4 Objection to the extent it calls for a legal
5 conclusion.

6 THE WITNESS: I see that tapering, yes.

7 BY MS. CARUSO:

8 Q. Do you have an understanding of what that
9 tapering represents?

10 MR. MONACH: Objection. Vague. Object to
11 the extent it calls for a legal conclusion.

12 THE WITNESS: Again, I'm a designer, not a
13 patent attorney. I don't understand the -- the
14 constraints or the -- what the goals of a patent
15 attorney drawing -- patent drawing are.

16 My design interpretation of that could be a
17 number of things.

18 BY MS. CARUSO:

19 Q. Which are?

20 MR. MONACH: Same objection.

21 THE WITNESS: It could be an attempt at a
22 perspective representation of this object. It could
23 be that the shape of the -- the object, actually the
24 thickness of it, changes from one corner to the
25 other corner. It could be a combination of those.

1 BY MS. CARUSO:

2 Q. Do you recall creating a product at Apple
3 in which the thickness of a handheld tablet device
4 changed from one corner to the next?

5 A. I don't recall.

6 Q. Focusing on the upper right corner of
7 Figure 2, that tapering portion that we were
8 referring to earlier doesn't appear to go all the
9 way to the top edge of the product.

10 Do you see that?

11 MR. MONACH: Objection. Assumes facts not
12 in evidence. Object to the extent it asks for a
13 legal conclusion from the witness.

14 THE WITNESS: Again, it's difficult for me
15 to interpret this patent drawing. I'm not an expert
16 on what lines on the patent drawing are supposed to
17 represent.

18 BY MS. CARUSO:

19 Q. I'm not -- as a designer, how would you
20 interpret this drawing if someone presented it to
21 you?

22 MR. MONACH: Objection. Vague. Incomplete
23 hypothetical. Object to the extent it calls for a
24 legal conclusion since it's a patent drawing.

25 THE WITNESS: I find it ambiguous from a