

EXHIBIT 45

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 A T T O R N E Y S ' E Y E S O N L Y

21 VIDEOTAPED DEPOSITION OF DOUGLAS SATZGER
22 REDWOOD SHORES, CALIFORNIA
23 TUESDAY, NOVEMBER 8, 2011

24 BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CCRR, CLR
25 CSR LICENSE NO. 9830
JOB NO. 42999

1 archive storage space.

2 Q So when the move occurred, some of the files
3 were just sent directly to an archive?

4 A Storage.

5 Q As opposed to being moved to the new
6 offices --

7 MR. DAVIS: Foundation.

8 MR. ZELLER: Q. -- as you understood it?

9 A I -- I don't know where they were moved,
10 actually. I'm not sure if they -- we had -- we had
11 off-site, we had in-office, and we had on-campus
12 storage. I don't recall.

13 Q Did you ever see an index or -- or a database
14 or other list of files that you had that were in
15 archive?

16 A No.

17 Q If you wanted to find out, back in the time
18 period when you were working at Apple, whether or not
19 any of your files were in archive, is there somebody
20 you would ask?

21 A No.

22 Q Do you recall the last time that you saw any
23 of the loose page sketches you did?

24 A My recollection is when we were on Valley
25 Green.

1 Q And those were the old offices before --

2 A Old office, yeah.

3 MR. DAVIS: You stepped over him a little
4 bit.

5 THE WITNESS: Oh, yeah.

6 MR. DAVIS: Just make sure you let him finish
7 his question, but you're fine.

8 MR. ZELLER: Directing your attention back to
9 Exhibit 1172.

10 Q Among these pages, did you see any pages that
11 relate to any tablet computer design?

12 A No.

13 Q I take it at some point you -- you do recall
14 doing some sketches or drawings of tablet computer
15 designs or potential tablet computer designs when you
16 were at Apple?

17 A I -- yes.

18 Q Do you have any idea where those are?

19 A I do not.

20 Q I'm going to show you what was previously
21 marked as Exhibit 8, which is a copy of United States
22 Design Patent 504,889. And please let me know when
23 you've had a chance to look at the '889 design patent.

24 A Pardon me.

25 Q Do you recognize the '889 design patent as a

1 patent you're a named inventor on?

2 A Yes.

3 Q Focusing on the design that's shown here in
4 the '889 design patent, did you create sketches of --
5 of this design?

6 A Yes.

7 Q And I take it you didn't see any of those
8 sketches here in 1172?

9 A No.

10 Q Do you have any -- any idea or knowledge or
11 information as to where any of the sketches that you
12 prepared in connection with the '889 design patent
13 design are?

14 A No.

15 Q Do you have any idea where they were as of
16 the time you left Apple in 2008?

17 A No.

18 Q Do you have any knowledge or information --
19 well, let me try it this way: If -- if -- as of the
20 time in 2008 when you left Apple, is there any place
21 you can think of you would go and ask and look?

22 A Yes.

23 Q What -- what did you have in mind for that?

24 A I would search the in-office storage for any
25 of my file boxes, and then the other on-campus storage

1 A When building a mockup for a concept, we
2 would try to represent a very neutral color palette
3 that would simulate the materials that we would
4 potentially use, but not distract from the design
5 qualities, the aesthetic product --

6 Q Oh, I see. So the --

7 A -- many times.

8 Q -- so generally speaking, the goal was that
9 the mockup was to simulate the materials that would be
10 involved, but not the color itself?

11 MR. HUNG: Objection; vague.

12 THE WITNESS: Yes.

13 MR. ZELLER: All right.

14 Do you have the 035 mockup?

15 MR. HUNG: No.

16 MR. ZELLER: Okay.

17 MR. HUNG: I didn't actually -- we didn't
18 receive an e-mail, I think, asking us to bring it to
19 this depo.

20 MR. ZELLER: We've asked for it to be
21 available for all of the interim depositions.

22 Do you have these?

23 MR. HALL: Yes.

24 Would you please mark as Exhibit 1173 a
25 multipage document consisting of photographs of the --

1 what people call the 035 mockup.

2 (Document marked Exhibit 1173

3 for identification.)

4 MR. ZELLER: All right.

5 Q And so you know, what we've marked as
6 Exhibit 1173 are photographs of a mockup -- an Apple
7 mockup that has generally been identified as the 035
8 mockup.

9 A Uh-huh, yes.

10 Q And based on these photographs, are you able
11 to tell me whether this is a mockup you recall?

12 A Yes.

13 Q And is this something that you worked on when
14 you were at Apple?

15 A Yes.

16 Q With respect to the 035 mockup, was that in
17 connection with the design that's shown here in the
18 '889 design patent?

19 A Yes.

20 Q Is the 035 mock-up, that's depicted in
21 these -- these photographs, the design that is
22 depicted here in the '889 design patent?

23 MR. HUNG: Objection; calls for a legal
24 conclusion; foundation.

25 MR. DAVIS: Calls for speculation.

1 THE WITNESS: Based on what I know, yes.

2 MR. ZELLER: Q. Was the 035 mock-up of the
3 tablet computer design one that you worked on
4 simulating the materials for?

5 A Yes.

6 Q Do you recall what you did any more
7 specifically on the 035 mockup?

8 A Gave a general spec for color callouts.

9 Q And please tell me what that means.

10 A The lead designer would prepare a file for a
11 model maker to build a physical model, and along with
12 that file would be a color specification document.
13 Part A is color A. Part B is color B.

14 Q The file that you were --

15 A Specs.

16 Q Oh, I'm sorry. I didn't mean to cut you off.

17 A Part of the specification.

18 Q The file that you were referring to is a
19 computer file for the model build?

20 A The file for a -- for the CAD document is a
21 computer file. The file for a color spec within Apple
22 was a handwritten document with bullet points or
23 balloons pointing at different parts.

24 Q Was the handwritten document then given to
25 the -- the model makers?

1 A Yes.

2 Q Now, you mentioned that the computer file was
3 a CAD file?

4 A Yes.

5 Q In order to build the 035 prototype, did that
6 CAD file have to be translated into some other kind of
7 file?

8 MR. HUNG: Objection; foundation.

9 THE WITNESS: I don't know.

10 MR. ZELLER: Q. Focusing on the 035 model
11 for a moment, was that one built in any -- in any of
12 its components by a rapid prototyping machine?

13 MR. HUNG: Objection; foundation.

14 THE WITNESS: No.

15 MR. ZELLER: Q. It was all done by -- by
16 hand?

17 A Yes.

18 Q In your prior answer, you'd mentioned that
19 the lead designer prepared the file -- the CAD file
20 for the model maker.

21 MR. HUNG: Go ahead.

22 MR. ZELLER: Q. Do you know who that lead
23 designer was in this particular instance for the 035
24 mockup?

25 A I don't.