

EXHIBIT 50

1 to be confused between Apple devices and 02:15

2 Samsung devices? 02:15

3 A. I don't believe I've opined on 02:15

4 anything in -- about trade dress other than the 02:15

5 functionality of Apple's trade dress. 02:15

6 Q. So if I understand you correctly, the 02:15

7 only expert opinion you're offering in this 02:15

8 case as it pertains to trade dress is the lack 02:15

9 of functionality of Apple's trade dress. 02:15

10 A. I believe that's correct. I can 02:16

11 check my report. 02:16

12 Q. Please do, because I want to make 02:16

13 sure I have a full understanding of the scope 02:16

14 of your opinion on trade dress. 02:16

15 A. I believe I have limited my opinions 02:17

16 to the -- to the functionality of Apple's trade 02:17

17 dress -- 02:17

18 Q. Are you offering -- 02:17

19 A. -- in the iPhones and the iPads. 02:17

20 Q. I'm sorry. I didn't mean to cut you 02:18

21 off. 02:18

22 A. In the phones and the iPad. 02:18

23 Q. Are you offering an expert opinion in 02:18

24 this case about similarity or claimed 02:18

25 similarity between Apple's claimed trade dress 02:18

1 in any Samsung devices? 02:18

2 A. I do not believe so. I believe the 02:18
3 only opinion I have expressed in my report is 02:18
4 about the functionality or lack thereof of 02:18
5 Apple's trade dress. 02:18

6 Q. Then, focusing on your opinion as to 02:18
7 the lack of functionality of Apple's claimed 02:18
8 trade dress -- first let me ask you, Please 02:18
9 tell me what your understanding is of the 02:18
10 standard that you applied to determine whether 02:18
11 or not a trade dress or a trade dress element 02:18
12 was functional. 02:19

13 A. In short form, I believe I reviewed 02:20
14 whether the design yields a utilitarian 02:20
15 advantage, whether alternative designs were 02:20
16 available, whether advertising touted 02:20
17 utilitarian advantages of the design, whether 02:20
18 the particular design resulted from a 02:20
19 comparatively simple or inexpensive method of 02:20
20 manufacture. I also reviewed alternative 02:20
21 embodiment to determine if the visual elements 02:20
22 of trade dress were functional. 02:20

23 Q. What do you mean by you reviewed 02:20
24 alternative embodiments to determine if the 02:20
25 visual elements of the trade dress were 02:20

1 functional? 02:20

2 A. Meaning if there were alternative 02:20
3 designs that performed the same function, then 02:20
4 they would not be considered functional, 02:21
5 dictated by function. 02:21

6 Q. Is that different than the 02:21
7 alternative design standard you mentioned? 02:21

8 A. No. 02:21

9 Q. It's the same thing? 02:21

10 A. Same thing. 02:21

11 Q. What did you do in order to determine 02:21
12 whether the claimed Apple trade dress or any 02:21
13 element of the claimed Apple trade dress 02:21
14 yielded a utilitarian advantage? 02:21

15 A. I reviewed competitive phones to 02:21
16 determine whether there was anything in the 02:21
17 appearance and function of the phone that 02:21
18 was -- that had a utilitarian advantage over 02:21
19 other phones. 02:22

20 Q. And did you do anything else to 02:22
21 determine that? 02:22

22 A. No, I don't believe so. 02:22

23 Q. Please tell me everything you did as 02:22
24 part of this review of competitive phones that 02:22
25 you just described. 02:22

1 A. Throughout my report, I reviewed a 02:22
2 number of phones and compared their 02:23
3 functional -- the appearance of their 02:23
4 functionality. And in my report -- let's see, 02:23
5 16 and 17. 02:23

6 In my report, I worked against the 02:24
7 various visual elements that were identified in 02:24
8 the Apple patents and compared them to existing 02:24
9 phones to determine whether there were 02:24
10 alternative appearances that performed similar 02:24
11 functions. 02:24

12 Q. Did you do anything else as part of 02:24
13 this review we're discussing? 02:24

14 A. I seem to have lost my place. 02:24

15 I also reviewed the depositions of 02:26
16 Apple designers in which they identified that 02:26
17 Apple had considered alternative designs and 02:26
18 were perfectly capable of executing them and 02:26
19 had decided upon the current design for 02:26
20 aesthetic reasons. 02:26

21 Q. My question is: Other than what 02:26
22 you've described, did you do anything else as 02:26
23 part of your review of competitive phones that 02:26
24 you talked about? 02:26

25 A. I'm not sure I understand your 02:26