

EXHIBIT 6

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION

4 APPLE INC., a California
corporation,

5 Plaintiff,

Case No.

6 vs.

11-CV-01846-LHK

7
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
limited liability company,

11 Defendants.

12
13
14
15 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

16
17 VIDEOTAPED DEPOSITION OF RICHARD HOWARTH
18 San Francisco, California
19 Monday, October 31, 2011
20

21
22
23 REPORTED BY:

24 CYNTHIA MANNING, CSR No. 7645, CLR, CCRR
25 JOB NO. 43007

1 reporter please swear in the witness.

2

3

RICHARD HOWARTH,

4

having first been duly sworn, testified

5

as follows:

6

THE VIDEOGRAPHER: You may proceed.

7

8

EXAMINATION

9

BY MR. ZELLER:

10

Q. Good morning.

11

A. Morning.

12

Q. If you could please state and spell your

13

full name for the record for us.

14

A. Richard Howarth. R-I-C-H-A-R-D; Paul,

15

P-A-U-L; H-O-W-A-R-T-H.

16

MR. MONACH: Before we get too far, I

17

just want -- so I don't forget -- I'm sure we're

18

going to do a lot of examination on documents that

19

have been marked "Highly Confidential, Attorneys'

20

Eyes Only." So rather than try to parse it out

21

now we'd like to have the entire transcript

22

designated as attorneys' eyes only.

23

And the witness reserves the right to

24

review and sign the deposition transcript.

25

Thank you.

1 Q. Who in the design studio worked on that
2 project?

3 A. This was designed by Shin Nishibori.

4 Q. I'm sorry, Shin?

5 A. Nishibori.

6 Q. If you could spell that for us, please.

7 A. N-I-S-H-I-B-O-R-I.

8 Q. Were there other designers in the design
9 studio who worked on this project along with
10 Mr. Nishibori?

11 MR. MONACH: Objection; lack of
12 foundation.

13 BY MR. ZELLER:

14 Q. As far as you know?

15 A. In the design team we usually work on
16 things together and as a team.

17 This -- this was mainly Shin's focus for
18 a short-term.

19 Q. And was it your understanding that the
20 members of the design studio who worked on this
21 project that we're discussing were assigned to do
22 this ultimately by Steve Jobs?

23 MR. MONACH: Object to the form of the
24 question as assuming facts not in evidence.
25 Objection; lack of foundation.

1 THE WITNESS: I have no idea who asked
2 for this, what you would call "a project."

3 BY MR. ZELLER:

4 Q. How would you describe what Mr. Nishibori
5 was doing?

6 A. I think he was having a bit of fun.

7 Q. In what way?

8 A. I don't believe that this was an
9 actual -- from my knowledge, I don't believe that
10 this was an actual part of the iPhone project, and
11 I think he was sort of doing something on his own.

12 Q. And why do you think he was doing it on
13 his own as opposed to it being assigned by
14 Mr. Jobs or Mr. Ive or somebody else?

15 A. I'm not sure.

16 Q. You don't know one way or another whether
17 Mr. Nishibori was assigned to work on this; is
18 that correct?

19 A. I don't know one way or another.

20 Q. Directing your attention to what's
21 depicted here on the pages ending in 202 and
22 203 -- and we're talking about Exhibit 1130.

23 Do you think the design that's shown here
24 is significantly different from the iPhone 4
25 design?

1 MR. MONACH: Objection; lack of
2 foundation, vague and ambiguous, incomplete
3 hypothetical.

4 To the extent it calls for a legal
5 conclusion it's objectionable.

6 THE WITNESS: I don't know.

7 BY MR. ZELLER:

8 Q. You'll see, on the page ending 203, there
9 is the word "Sony"?

10 A. I do.

11 Q. Do you know why the word Sony is on this?

12 MR. MONACH: Objection; lack of
13 foundation.

14 You can give your understanding.

15 THE WITNESS: I think -- I'm not exactly
16 sure why the word Sony is on there. However, I
17 think that Shin was trying to imagine what Sony
18 might do.

19 BY MR. ZELLER:

20 Q. Was it your understanding that what
21 Mr. Nishibori was doing was coming up with designs
22 that were expressed in Sony design language?

23 MR. MONACH: Objection; vague, calls for
24 speculation.

25 THE WITNESS: I'm not sure what Shin was