

# Exhibit A

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

APPLE INC., a California  
corporation,

Plaintiff,

vs. Case No. 11-cv-01846-LHK

SAMSUNG ELECTRONICS CO., LTD.,  
a Korean business entity;

SAMSUNG ELECTRONICS AMERICA,  
INC., a New York corporation;

SAMSUNG TELECOMMUNICATIONS  
AMERICA, LLC, a Delaware  
limited liability company,

Defendants.

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CONFIDENTIAL  
ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF RICHARD HOWARTH  
San Francisco, California  
Monday, July 16, 2012

Reported by:

LORRIE L. MARCHANT, CSR No. 10523

RPR, CRR, CCRR, CLR

JOB NO. 51740

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1 designing the -- when the team was designing the 03:50  
 2 iPhone, we -- we wondered, as you might, just 03:50  
 3 what -- what might the competition would do. There 03:51  
 4 was no competition for us at the time. 03:51  
 5 But it was -- we wondered, well, yeah, 03:51  
 6 what -- what -- what might Sony, you know, for 03:51  
 7 instance do if they were -- if they had our 03:51  
 8 technology and -- and would create that product. 03:51  
 9 So I think Jony asked him to -- to have a 03:51  
 10 look and see, since he was Japanese, what he might 03:51  
 11 do. 03:51  
 12 Q. Is there anything else that you can 03:51  
 13 remember about the -- about the project that 03:51  
 14 Mr. Nishibori was asked to do on the Sony style? 03:51  
 15 A. I'm not sure it was a project. But, you 03:51  
 16 know, just a little aside, really. 03:51  
 17 Q. I -- regardless of whether it's a project 03:51  
 18 or exercise, whatever the case may be, do you 03:51  
 19 remember anything else about it? 03:51  
 20 A. I remember -- not in huge, massive detail. 03:52  
 21 Q. But, generally speaking -- and by the way, 03:52  
 22 I'm going to show you a couple of documents here in 03:52  
 23 a minute that may jog your memory. But I'm just 03:52  
 24 trying to find out if there's anything so far that 03:52  
 25 you recall generally about what Mr. Nishibori did on 03:52

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1 Q. And the model that you referred to, did it 03:54  
 2 look like this design that's shown in the -- the CAD 03:54  
 3 drawings here, Exhibit 1172? 03:55  
 4 A. Which model? 03:55  
 5 Q. The one that you're referring to where you 03:55  
 6 and Mr. Nishibori were -- were walking and had 03:55  
 7 picked up a model. 03:55  
 8 A. It was similar to this. It looks like -- 03:55  
 9 pretty similar to this if you took the Sony details, 03:55  
 10 Sony-ish details off that he added. 03:55  
 11 Q. And so when you're referring to "the 03:55  
 12 details," please identify for me what are the 03:55  
 13 portions of what's shown here in Exhibit 1172 that 03:55  
 14 Mr. Nishibori came up with as opposed to what was 03:55  
 15 that preexisting design that you're referring to. 03:55  
 16 A. It looks -- it was a long time ago, but I 03:55  
 17 think it was the receiver detail right there looks a 03:55  
 18 little like -- that was different than what we -- 03:55  
 19 the model that was on the table. 03:56  
 20 The Sony -- the buttons here on the bottom 03:56  
 21 look like they were sort of added. And the Sony 03:56  
 22 logo and this -- what looks like it's sort of the 03:56  
 23 green button on the side, the jog dial, kind of -- 03:56  
 24 that's quite a Sony -- classic Sony detail, really. 03:56  
 25 Q. Anything else? 03:56

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1 this Sony style. 03:52  
 2 A. Well, I remember that we were heading 03:52  
 3 down -- we -- we were working on, you know, 03:52  
 4 different directions. And Shin and I walked over to 03:52  
 5 the table when -- when he was just starting to think 03:52  
 6 about it, and -- the project design table, and we 03:52  
 7 were having a chat about it. 03:52  
 8 And we picked up a model off the table 03:52  
 9 that -- that we liked, that we had done previously. 03:52  
 10 And -- and so Shin was going to base the design -- 03:53  
 11 his, you know, exploration on this model and add a 03:53  
 12 few Sony-esque sort of details to it. Because 03:53  
 13 that's -- yeah, that's what we -- that's what we 03:53  
 14 wanted to do. 03:53  
 15 Q. Anything else you can remember? 03:53  
 16 A. Not -- not a lot, really. No. 03:53  
 17 Q. Let me show you what was previously marked 03:53  
 18 as Exhibit 1172. And for the record, we're -- we 03:53  
 19 marked this as TX623. 03:53  
 20 A. Okay. 03:54  
 21 Q. Do you recognize what's shown here in 1172 03:54  
 22 as the Sony-style design that Mr. Nishibori was 03:54  
 23 working on that you were discussing? 03:54  
 24 A. It looks -- it looks pretty similar to it, 03:54  
 25 m-hm. 03:54

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1 A. The connector on the bottom perhaps looks a 03:56  
 2 little bit like a Sony-ish connector. 03:56  
 3 Q. On the back side, where the camera lens is 03:56  
 4 depicted, was that something that Mr. Nishibori 03:56  
 5 added to it? 03:56  
 6 A. I don't think so. I think we had -- we had 03:56  
 7 a camera in the corner already. 03:56  
 8 Q. And then that preexisting model that you're 03:57  
 9 referring to, did it have exactly the same shape as 03:57  
 10 what's shown here in the CAD drawings? 03:57  
 11 MS. TAYLOR: Objection. Vague. 03:57  
 12 THE WITNESS: I'm not sure if it had 03:57  
 13 exactly the same shape as that in the CAD drawings. 03:57  
 14 Similar. 03:57  
 15 BY MR. ZELLER: 03:57  
 16 Q. Do you recall if there were differences? 03:57  
 17 A. I can't recall exactly right now. 03:57  
 18 Q. And did the -- the preexisting model that 03:57  
 19 you're referring to, did that have a name? 03:57  
 20 A. I don't know if it had a name. It 03:57  
 21 looked -- it looked like that (indicating). 03:57  
 22 Q. And for the record, you're referring to 03:57  
 23 the -- the model that's on the left, on page ending 03:57  
 24 121 of TX562? 03:57  
 25 A. Right. Yeah. This device (indicating). 03:57

Page 62	<p>1 Q. All right. We're going to come back to 03:58                  2 that in a moment. I just wanted to make sure we had 03:58                  3 a clear record on what you were pointing to. 03:58                  4 A. Okay. 03:58                  5 Q. In terms of the -- just that -- that shape, 03:58                  6 the rectangular shape with the rounded corners, 03:58                  7 exactly as it's shown here in the CAD drawings of 03:58                  8 Exhibit 1172, are you able to say one way or another 03:58                  9 whether Mr. Nishibori changed those at all? 03:58                  10 MS. TAYLOR: Asked and answered. 03:58                  11 THE WITNESS: I'm not sure whether he 03:58                  12 changed them. 03:58                  13 BY MR. ZELLER: 03:58                  14 Q. And then you'll see that there's that -- in 03:58                  15 the side views there's the metal band kind of design 03:58                  16 shown here on the first page of 1172. 03:58                  17 You see what I'm referring to? 03:58                  18 A. I don't know what material it is, but I see 03:58                  19 there's a band there. 03:58                  20 Q. And was that band portion that's depicted 03:58                  21 here in the CAD drawings also part of that model 03:58                  22 that -- that you saw that was preexisting? 03:58                  23 A. Yeah. 03:59                  24 Q. What were the sides? More like what's 03:59                  25 shown here in TX562? 03:59</p>	Page 63	<p>1 A. They seem pretty similar to me. 03:59                  2 Q. And when you say "pretty similar," what's 03:59                  3 shown there in 1172, in that respect does the band 03:59                  4 look similar to the model that's shown here in 562? 03:59                  5 A. Roughly. 03:59                  6 Q. And do you recall whether Mr. Nishibori 03:59                  7 made any changes to that -- that band apart from the 03:59                  8 jog wheel that you mentioned? 03:59                  9 A. I can't be sure exactly. 03:59                  10 Q. And focusing, then, on that preexisting 03:59                  11 model that you saw, who created that design? 03:59                  12 A. This one (indicating)? 03:59                  13 Q. Well, I -- let me rephrase the question, 04:00                  14 then, for a moment. 04:00                  15 Because in your e-mail -- and this is on 04:00                  16 the first page of TX562 -- you refer to "what Shin 04:00                  17 is doing with the Sony-style chappy" -- 04:00                  18 A. Sorry. 04:00                  19 Q. And then you go to say, Also note that it's 04:00                  20 only half a step away from where we were with the 04:00                  21 metal band, black inside, before we changed to the 04:00                  22 three equal striped sandwich, which I show below. 04:00                  23 Do you see that language? 04:00                  24 A. I see that. 04:00                  25 Q. And so what are you referring to there when 04:00</p>
Page 64	<p>1 you say "it's only half a step away from"? 04:00                  2 A. I'm not sure. I think I'm saying that 04:00                  3 Shin's -- the thing that Shin was working on is 04:00                  4 similar to the -- to what we were working on 04:01                  5 previously. 04:01                  6 Q. So then focusing on the model that's there 04:01                  7 on the left, shown on page 121, which is the black 04:01                  8 one, was there -- was there a name that you used for 04:01                  9 this model? 04:01                  10 A. I can't remember. 04:01                  11 Q. Was this more in that style of the -- the 04:01                  12 Sony-style chappy that's being referred to here? 04:01                  13 MS. TAYLOR: Objection. Vague. 04:01                  14 THE WITNESS: Yeah. I'm not sure what you 04:01                  15 mean by "in the style of." 04:01                  16 BY MR. ZELLER: 04:01                  17 Q. Well, here's what I'm trying to understand, 04:01                  18 and maybe I -- I need to rephrase it. 04:01                  19 You just say here in the first sentence of 04:01                  20 your e-mail, I'm worried about the extrudo shape 04:01                  21 we're using for P2, et cetera. Looking at what Shin 04:02                  22 is doing with the Sony-style chappy, he's able to 04:02                  23 achieve a much smaller looking product with a much 04:02                  24 nicer shape to have next to your ear and in your 04:02                  25 pocket. 04:02</p>	Page 65	<p>1 Do you see that? 04:02                  2 A. Yeah. I can see that. 04:02                  3 Q. And so what are you referring to here when 04:02                  4 you say "the Sony-style chappy"? 04:02                  5 A. I can't be sure exactly, but I think 04:02                  6 it's -- I think it was something that Shin was 04:02                  7 working on, which was -- you know, this is something 04:02                  8 that Shin had a go at. 04:02                  9 Q. And then focus on that model, then, that's 04:02                  10 on the left-hand side, on page 121 of TX562 -- 04:02                  11 A. Okay. 04:02                  12 Q. -- is this a model that was created after 04:02                  13 Mr. Nishibori was working on this design that's 04:02                  14 shown in 1172? 04:02                  15 A. No. I don't believe so. I think this was 04:02                  16 created before. 04:02                  17 Q. In looking at the model that's depicted 04:03                  18 here on the left-hand side on page ending 121, did 04:03                  19 Mr. Nishibori contribute anything to the design 04:03                  20 that's shown there? 04:03                  21 A. Shin is part of the design team, so he 04:03                  22 could well have contributed. You know, as we do, 04:03                  23 you know, it's a conversation that's constantly 04:03                  24 happening between us all. 04:03                  25 Q. Do you have any information about the 04:03</p>

CERTIFICATE

STATE OF CALIFORNIA )
: ss
COUNTY OF SONOMA )

I, Lorrie L. Marchant, a Certified Shorthand Reporter, a Registered Professional Reporter, a Certified Realtime Reporter, and a Certified Realtime Professional within and for the State of California, do hereby certify:

That RICHARD HOWARTH, the witness whose deposition is herein set forth, was duly sworn/affirmed by me and that such deposition is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

In witness whereof, I have hereunto set my hand this 16th day of July, 2012.

LORRIE L. MARCHANT, CSR, RPR, CRR, CLR, CCRR
CSR No. 10523

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Exhibit TX579 e-mail and attachments to Jonathan Ive from Richard Howarth, dated 3/8/2006, subject: on: the sony vs apple competition (Production Nos. APLNDC0003040119 - APLNDC0003040124) 4
Exhibit TX562 e-mail to David Tupman, cc'ed to various other recipients, from Andrew Bright, dated 6/4/2010, subject: reciever up high in Y (Production Nos. APLNDC0002326562 - APLNDC0002326563) 52
PREVIOUSLY-MARKED EXHIBITS
Exhibit 6 United States Design Patent, Andre, et al., Patent No. D593,087 S
Exhibit 7 United States Design Patent, Andre, et al., Patent No. D618,677 S
Exhibit 1172 Images of Sony phone (Production Nos. APLNDC-NC000000274 - APLNDC-NC0000000281)
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NAME OF CASE: Apple v. Samsung (U.S. District)
DATE OF DEPOSITION: 7/16/2012
NAME OF WITNESS: Richard Howarth

Reason Codes:

- 1. To clarify the record.
2. To conform to the facts.
3. To correct transcription errors.

Page Line Reason
From to

RICHARD HOWARTH