

EXHIBIT B

1 UNITED STATES INTERNATIONAL TRADE COMMISSION
2 Washington, D.C.

3 In the Matter of)
4 CERTAIN ELECTRONIC DIGITAL) Inv. No. 337-TA-796
5 MEDIA DEVICES AND)
6 COMPONENTS THEREOF)
7)
8)

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 APPLE INC., a California) CIVIL NO. 11-CV-01846-LHK
13 corporation,)

14 Plaintiff,)

15 vs.)

16 SAMSUNG ELECTRONICS CO.,)
17 LTD., a Korean business)
18 entity; SAMSUNG ELECTRONICS)
19 AMERICA, INC., a New York)
20 corporation; and SAMSUNG)
21 TELECOMMUNICATIONS AMERICA,)
22 LLC, a Delaware limited)
23 liability company,)

24 Defendants.)
25)

26 CONFIDENTIAL BUSINESS INFORMATION
27 HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY
28 VIDEOTAPED DEPOSITION OF SHIN NISHIBORI

29 MAY 2, 2012 HONOLULU, HAWAII
30 TSG Job # 49110 Reporter: ADRIANNE IGE KURASAKI

1 WEDNESDAY, MAY 2, 2012 10:03 A.M.
2 THE VIDEOGRAPHER: This is the start of 10:03AM
3 Tape No. 1. Videotaped Deposition of Shin 10:03AM
4 Nishibori in the matter of Certain Electronic 10:03AM
5 Digital Media Devices and Components Thereof. 10:03AM
6 This is Apple versus Samsung, in the U.S. 10:03AM
7 District Court, Northern District Court of San 10:03AM
8 Jose Division, No. 11-CV-01846-LHK. 10:03AM
9 This deposition is being held at The 10:04AM
10 Halekulani Hotel, 2199 Kalia Road, Honolulu, 10:04AM
11 Hawaii on May the 2nd, 2012, at approximately 10:04AM
12 10:04 a.m. 10:04AM
13 My name is Derek Bryant. I am the Legal 10:04AM
14 Video Specialist from TSG Reporting, Inc., 10:04AM
15 headquartered at 747 Third Avenue, New York, 10:04AM
16 New York. 10:04AM
17 The court reporter is Adrienne Kurasaki 10:04AM
18 in association with TSG Reporting. 10:04AM
19 Counsel, please introduce yourselves. 10:04AM
20 MR. ZELLER: Mike Zeller for Samsung. 10:04AM
21 MS. TAYLOR: Jennifer Taylor for Apple. 10:04AM
22 MS. WHEELER: Cindy Wheeler from Apple. 10:04AM
23 THE VIDEOGRAPHER: Will the court 10:04AM
24 reporter please swear in the interpreters and 10:04AM
25 then the witness. 10:04AM

1 AYANO NISHIMURA, 10:04AM

2 called as the official interpreter for 10:04AM

3 the witness, being first duly sworn to interpret 10:04AM

4 the following testimony from English to 10:04AM

5 Japanese and from Japanese to English. 10:04AM

6 SADAANKI MATSUTANI, 10:04AM

7 called as a check interpreter for 10:04AM

8 the witness, being first duly sworn to check 10:04AM

9 the following testimony from English to 10:04AM

10 Japanese and from Japanese to English. 10:04AM

11 SHIN NISHIBORI, 10:05AM

12 called as a witness on behalf of 10:05AM

13 Defendants and Counterclaim Plaintiffs, 10:05AM

14 Samsung Electronics Co., Ltd., Samsung 10:05AM

15 Electronics America, Inc., and Samsung 10:05AM

16 Telecommunications, LLC, being first duly 10:05AM

17 sworn to tell the truth, the whole truth, and 10:05AM

18 nothing but the truth, was examined and 10:05AM

19 testified as follows: 10:05AM

20 EXAMINATION 10:05AM

21 BY MR. ZELLER: 10:05AM

22 Q Good morning. 10:05AM

23 A Good morning. 10:05AM

24 Q If you could please tell us your full 10:05AM

25 name for the record. 10:05AM

1 name to call it, I do not have a clear 10:54AM
2 recollection. As what Jonathan Ive said to me 10:54AM
3 is that "If Sony were to make that, what would 10:55AM
4 it be like. And please make something based on 10:55AM
5 your idea." 10:55AM

6 So it might have been like -- to be 10:55AM
7 stated as Sony-like or Sony Style or something 10:55AM
8 like that. 10:55AM

9 But however, I do not have a 10:55AM
10 recollection that -- whether I was the one who 10:55AM
11 named the file or not. I'm sorry. 10:55AM

12 MR. ZELLER: Let's please mark as 10:55AM
13 Exhibit 2 some additional images produced by 10:55AM
14 Apple. And these bear Bates numbers 10:55AM
15 APL-ITC796-X000016675 through 16693. 10:55AM

16 THE INTERPRETER: It's not in here, is 10:56AM
17 it? 10:56AM

18 MR. ZELLER: I'm sorry? 10:56AM

19 THE INTERPRETER: It's not in here, is 10:56AM
20 it? 10:56AM

21 MR. ZELLER: No, no. I'm marking a new 10:56AM
22 one. 10:56AM

23 (Exhibit No. 2 marked for identification.) 10:56AM

24 BY MR. ZELLER: 10:56AM

25 Q And please let us know when you've had a 10:57AM

1 chance to look at the images in Exhibit 2. 10:57AM

2 A Okay. 10:57AM

3 Q Do you recognize what these images are? 10:57AM

4 (The Check Interpreter speaks in Japanese.) 10:57AM

5 INTERPRETED ANSWER: Hai. 10:57AM

6 BY MR. ZELLER: 10:57AM

7 Q Please tell us what you recognize them 10:57AM

8 as. 10:57AM

9 A It is -- these are renderings that I 10:57AM

10 created based on my own thoughts or my 10:57AM

11 understanding of Sony-like designs -- Sony's 10:57AM

12 design, based on the request of Jonathan Ive. 10:58AM

13 Q And then when we looked at Exhibit 1, we 10:58AM

14 saw that there were some file dates for March of 10:58AM

15 2006. 10:58AM

16 (The Check Interpreter speaks in Japanese.) 10:58AM

17 THE CHECK INTERPRETER: The witness 10:58AM

18 said, "Yes." 10:58AM

19 MR. ZELLER: Give me the translation. 10:58AM

20 THE INTERPRETER: Sorry. 10:58AM

21 INTERPRETED ANSWER: Yes. 10:58AM

22 BY MR. ZELLER: 10:58AM

23 Q Do you recall whether or not the 10:58AM

24 renderings in Exhibit 2 were done at the same 10:58AM

25 time as these renderings in Exhibit 1 or were 10:58AM

1 they done later on? 10:58AM

2 A In my recollection, the ones listed here 10:59AM

3 from one, two, three, four, five, six, seven, 10:59AM

4 are the ones here, listed as jpegs here. 10:59AM

5 Q So you think these are the same images? 10:59AM

6 A I think they are the same. 10:59AM

7 Q And I take it that the Sony-like designs 10:59AM

8 that were done in CAD form that you worked on 10:59AM

9 with the CAD operator, were they on Apple's CAD 10:59AM

10 system? 10:59AM

11 MS. TAYLOR: Objection. Vague. 11:00AM

12 INTERPRETED ANSWER: Well, I'm not too 11:00AM

13 sure about what you're referring to as "CAD 11:00AM

14 system," whether you're calling it as the 11:00AM

15 software company. If you're asking about the 11:00AM

16 location of CAD system and Apple -- 11:00AM

17 MS. TAYLOR: Wait, wait. 11:01AM

18 THE CHECK INTERPRETER: She's not done. 11:01AM

19 INTERPRETED ANSWER: -- then it is. 11:01AM

20 THE CHECK INTERPRETER: "If you're 11:01AM

21 asking about the location of the CAD system at 11:01AM

22 Apple company, if that's where it was made, 11:01AM

23 then, no doubt, it was made there." 11:01AM

24 BY MR. ZELLER: 11:01AM

25 Q Was the -- were these CAD images on any 11:01AM