

EXHIBIT H

1 UNITED STATES INTERNATIONAL TRADE COMMISSION
2 WASHINGTON, D.C.
3

4 In the Matter of:

Investigation No.

5 CERTAIN ELECTRONIC DIGITAL
6 MEDIA DEVICES AND COMPONENTS 337-TA-796
7 THEREOF
8
9

10 CONFIDENTIAL - ATTORNEYS' EYES ONLY
11 PURSUANT TO PROTECTIVE ORDER
12
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14 VIDEOTAPED DEPOSITION OF SCOTT FORSTALL
15 Redwood Shores, California
16 Thursday, February 9, 2012
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23 REPORTED BY:

24 CYNTHIA MANNING, CSR No. 7645, CLR, CCRR

25 JOB NO. 44757

1 February 9, 2012

2 9:30 a.m.

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5 Deposition of SCOTT FORSTALL, taken on
6 behalf of the Samsung Respondents, at 555 Twin
7 Dolphin Drive, Fifth Floor, Redwood Shores,
8 California, before Cynthia Manning, Certified
9 Shorthand Reporter No. 7645, Certified LiveNote
10 Reporter, California Certified Realtime Reporter.
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1 APPEARANCES:

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3 FOR COMPLAINANT APPLE INC.:

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10 FOR RESPONDENTS SAMSUNG ELECTRONICS COMPANY,
11 LTD., SAMSUNG ELECTRONICS AMERICA, INC., and
12 SAMSUNG TELECOMMUNICATIONS AMERICA, LLC:

13 QUINN EMANUEL URQUHART & SULLIVAN, LLP

BY: KEVIN P. B. JOHNSON, ESQ.

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18 ALSO PRESENT:

19 David Edward Melaugh, Esq., Apple Inc.

20 Aric Kerhoulas, Videographer

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1 REDWOOD SHORES, CALIFORNIA;
2 THURSDAY, FEBRUARY 9, 2012; 9:30 a.m.

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4 THE VIDEOGRAPHER: Good morning.

5 This marks the beginning of Disk 1 of
6 the videotaped deposition of Scott Forstall, in
7 the matter of Certain Electronic Digital Media
8 Devices and Components Thereof in the United
9 States International Trade Commission,
10 Washington, D.C., Investigation No. 337-TA-796.

11 This deposition is being held at the
12 office of Quinn Emanuel at 555 Twin Dolphin
13 Drive, Redwood Shores, California.

14 The date today is February 9th, 2012,
15 and the time is approximately 9:31 a.m.

16 My name is Aric Kerhoulas, with TSG
17 Reporting, Incorporated.

18 Our court reporter today is Cynthia
19 Manning, in association with TSG.

20 Counsel, please introduce yourselves
21 starting with the questioning attorney.

22 MR. JOHNSON: I'm Kevin Johnson from
23 Quinn Emanuel on behalf of Samsung, and with me
24 is Ron Hagiz.

25 MR. McELHINNY: I'm Harold McElhinny on

1 behalf of Apple Incorporated, and I'm here with
2 David Melaugh, who works for Apple.

3 THE VIDEOGRAPHER: If the court
4 reporter will please swear in the witness we can
5 proceed.

6
7 SCOTT FORSTALL,
8 having first been duly sworn, testified
9 as follows:

10
11 EXAMINATION

12 BY MR. JOHNSON:

13 Q. Good morning, Mr. Forstall.

14 A. Good morning.

15 (Deposition Exhibit 1 was marked for
16 identification)

17 BY MR. JOHNSON:

18 Q. I'm going to place before you what I've
19 marked as Forstall Exhibit 1. And this is a
20 notice of deposition.

21 Do you understand that you're appearing
22 today for your deposition in the Investigation
23 No. 796 pending before the International Trade
24 Commission?

25 A. Yes.

[REDACTED]

12 Q. What are the documents you looked at?

13 A. I looked at some patents.

14 Q. More than one?

15 A. Yeah. I think there were a few
16 patents.

17 Q. Anything else besides patents?

18 A. There were some e-mails. There were
19 some court filings specifically about what this
20 deposition was going to entail, so I looked at
21 the court request.

22 Those are the ones I can remember off
23 the top of my head.

24 Q. Okay. And what patents did you look
25 at?

[REDACTED]

12 In -- in developing the iPhone, for
example, which you were involved in; right?

13 A. Yes.

14 Q. Okay. In developing the iPhone, can
15 you describe for me how the idea of a vertical
16 screen-scrolling heuristic was developed?

17 MR. McELHINNY: Objection.

18 THE WITNESS: I can describe for you
19 the way that we invented the concept of sort of
20 locking the scrolling into a given dimension, if
21 that's what you're asking.

22 BY MR. JOHNSON:

23 Q. Yes. Let's start there.

24 A. We -- when we were creating Safari and
25 you would sort of zoom in to a story in Safari,

1 and you take your finger -- say your thumb -- and
2 you scroll along, we found that the natural arc
3 of your thumb isn't a straight vertical line.
4 And in fact, it goes along this curve. And so as
5 you'd scroll, you would actually move the story
6 out of view and back into view as you went
7 through the story.

8 And so we thought we should find a way
9 to figure out the user's intent. What are they
10 trying to do here? And if they're really trying
11 to scroll that story and see the story the entire
12 time, then regardless of this imprecise data,
13 regardless of the fact that their thumb might be
14 moving in an arc as opposed to a perfect vertical
15 line, we should actually scroll in a perfect
16 vertical orientation in this particular example.

17 And before this, if you look at other
18 devices out there, no one had ever done something
19 like this because they would scroll with -- with
20 a keyboard, with a mouse, or directly -- there's
21 a scroll bar and things are locked into an
22 orientation, when you grab a scroll bar it's only
23 scrolling in that dimension.

24 And when creating the iPhone, there
25 were so many completely unsolved problems that we

1 had to tackle -- and this was one of them. And
2 so we had to figure out a way, with this new form
3 of input, with this touch and multi-touch input,
4 to scroll something in the way the user would
5 want it, even though there is imprecise input
6 here. In fact, even you can almost consider it
7 an almost inaccurate input in some ways, if your
8 thumb is moving at such an angle that it would be
9 hard even to discern that they were really trying
10 to scroll through a story.

11 So while going through that, we came up
12 with a number of ways to figure out that the user
13 intends to scroll this vertical -- in this
14 example, and there's other examples that we have,
15 horizontal and other dimensions as well -- but to
16 determine that's their intent, and then scroll in
17 that dimension.

● [REDACTED]

● [REDACTED]

● [REDACTED]

● [REDACTED]

● [REDACTED]

● [REDACTED]

● [REDACTED]

● [REDACTED]

● [REDACTED]