

EXHIBIT C

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

4 APPLE INC., a California Case No.
corporation, 11-cv-01846-LHK
5
6 Plaintiff,

7 v.
8 SAMSUNG ELECTRONICS CO.,
LTD., a Korean business
9 entity; SAMSUNG ELECTRONICS
10 AMERICA, INC., a New York
corporation; SAMSUNG
11 TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited
liability company,

12 Defendants.

13 C O N F I D E N T I A L

14 A T T O R N E Y S ' E Y E S O N L Y
15

16 VIDEOTAPED DEPOSITION

17 TRACY-GENE G. DURKIN

18 Washington, D.C.

19 Friday, October 7, 2011

20 9:30 a.m.

21 TSG # 42528

22 Reporter: Linda S. Kinkade, RDR, CRR, RMR, CSR

23 Videographer: Mia Marbury
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The following is the videotaped deposition
of TRACY-GENE G. DURKIN held at the offices of:

Steptoe & Johnson
1330 Connecticut Avenue, N.W.
Washington, D.C.

Taken pursuant to applicable Rules of
Civil Procedure, before Linda S. Kinkade,
Registered Diplomate Reporter, Certified Realtime
Reporter, Registered Professional Reporter,
Registered Merit Reporter, Certified Shorthand
Reporter (CA), and Notary Public, in and for the
District of Columbia.

1 APPEARANCES:

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3 On Behalf of Plaintiff APPLE INC., a
4 California corporation:

5 KRISTIN YOHANNAN, ESQUIRE

6 Morrison & Foerster

7 2000 Pennsylvania Avenue, NW

8 Washington, DC 20006

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13 On Behalf of Defendant SAMSUNG ELECTRONICS
14 CO.:

15 MICHAEL T. ZELLER, ESQUIRE

16 ANNA T. NEILL, ESQUIRE

17 Quinn Emanuel Urquhart & Sullivan

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19 10th Floor

20 Los Angeles, California 90017

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1 APPEARANCES (continued)

2

3 On Behalf of Deponent TRACY-GENE G. DURKIN:

4 MARK FOX EVENS, ESQUIRE

5 DAVID K.S. CORNWELL, ESQUIRE

6 Sterne Kessler Goldstein & Fox

7 1100 New York Avenue, NW

8 Washington, DC 20005

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1 you've had a chance to look at Exhibit 430.

2 A. I've looked at it.

3 Q. Do you recognize this design patent?

4 A. It looks familiar.

5 Q. Did you do any work in connection with
6 the '889 Design Patent?

7 A. Not that I recall.

8 Q. Do you recall the context in which you
9 first saw this document -- or this patent, I
10 should say?

11 A. Not for certain, no.

12 Q. Do you have a general understanding?

13 A. Of what?

14 Q. Of the context in which you became
15 familiar or first saw this patent.

16 MS. YOHANNAN: Objection, calls for
17 speculation.

18 THE WITNESS: No, I don't.

19 BY MR. ZELLER:

20 Q. Directing your attention to Fig. 1,
21 you'll see that within the outer border there is
22 a rectangular set of lines. Do you see that?

23 A. I do.

24 Q. Is that part of the claimed design?

25 MS. YOHANNAN: Objection, calls for a

1 speculation.

2 THE WITNESS: I don't.

3 BY MR. ZELLER:

4 Q. You'll see that the firm listed on the
5 first page here of the '889 Design Patent is
6 Beyer Weaver & Thomas. Do you see that?

7 A. I do.

8 Q. Have you ever had any communications
9 with that firm?

10 A. I have.

11 Q. Are they a firm you've had
12 communications with on behalf of Apple?

13 MS. YOHANNAN: You may answer, yes,
14 no, I don't know or I don't recall.

15 THE WITNESS: Yes.

16 BY MR. ZELLER:

17 Q. Is it generally your understanding
18 that this firm has also done patent prosecution
19 work for Apple?

20 MS. YOHANNAN: Same instruction.

21 THE WITNESS: Yes.

22 BY MR. ZELLER:

23 Q. Is there somebody in particular who
24 you've dealt with at that firm in connection
25 with Apple work?

1 A. No.

2 Q. Do you have any knowledge or
3 information as to Quin Hoellwarth's involvement
4 with the application that became the '889 Design
5 Patent?

6 MS. YOHANNAN: Objection, calls for
7 speculation.

8 THE WITNESS: I don't.

9 BY MR. ZELLER:

10 Q. It's fair to say you don't have any
11 knowledge or information about what he did or
12 didn't do in connection with the prosecution?

13 MS. YOHANNAN: Objection, calls for
14 speculation.

15 THE WITNESS: I do not.

16 BY MR. ZELLER:

17 Q. Do you have any knowledge or
18 information as to what, if anything, in the
19 design that was claimed here by the '889 Design
20 Patent was new or novel as compared to the prior
21 art?

22 MS. YOHANNAN: Objection, calls for a
23 legal conclusion.

24 THE WITNESS: I don't.

25 BY MR. ZELLER:

1 the end of videotape number 6 taken in the
2 deposition of Tracy Durkin. Going off the
3 record, the time on the video screen is 18:32
4 and 46 seconds.

5 (Proceedings concluded.)

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7 //

8 (Signature having not been waived, the
9 deposition of TRACY-GENE G. DURKIN concluded at
10 6:32 p.m.)

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ACKNOWLEDGMENT OF DEPONENT

I, TRACY-GENE G. DURKIN, do hereby
acknowledge that I have read and examined the
foregoing testimony, and the same is a true,
correct and complete transcription of the
testimony given by me, with the exception of the
noted corrections, if any, appearing on the
attached errata sheet signed by me, to the best
of my knowledge and belief.

(Date) (Signature)

Subscribed and sworn to before me this
____ day of _____, 20__.
My commission expires _____.
Notary Public _____

1 CERTIFICATE OF SHORTHAND REPORTER
2 NOTARY PUBLIC
3

4 I, Linda S. Kinkade, RDR, CRR, RMR, CSR,
5 the notarial officer before whom the foregoing
6 proceedings were taken, do hereby certify that
7 the foregoing transcript is a true and correct
8 record of the proceedings; that said proceedings
9 were taken by me stenographically, to the best of
10 my ability, and thereafter reduced to
11 typewriting; and that I am neither counsel for or
12 related to, nor employed by any of the parties to
13 this case and have no interest, financial or
14 otherwise, in its outcome.

15 IN WITNESS WHEREOF, I have hereunto set my
16 hand and affixed my notarial seal this 8th day of
17 October 2011.

18 My commission expires: July 14, 2012
19

20 _____
21 NOTARY PUBLIC IN AND FOR
22 THE DISTRICT OF COLUMBIA
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