

# Exhibit O

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

4 APPLE INC., a California )  
corporation, )

5 )  
6 Plaintiff, )

7 vs. ) No: 11 CV 01846 LHK

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 )  
12 Defendants. )  
13 )

14 \*\*HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY\*\*

15  
16 DEPOSITION OF WAYNE WESTERMAN  
17 Redwood Shores, California  
18 Monday, October 31, 2011  
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23 Reported By:  
24 LINDA VACCAREZZA, RPR, CLR, CRP, CSR. NO. 10201  
25 JOB NO. 43058

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October 31, 2011  
9:11 a.m.

Videotaped deposition of WAYNE WESTERMAN, held at Quinn Emanuel Urquhart & Sullivan, LLP, 555 Twin Dolphin Drive, Suite 500, Redwood Shores, California, pursuant to Subpoena before Linda Vaccarezza, a Certified Shorthand Reporter of the State of California.

1           A P P E A R A N C E S:

2                   QUINN EMANUEL URQUHART & SULLIVAN LLP

3                   Attorneys for Defendants

4                           555 Twin Dolphin Drive

5                           Redwood Shores, California 94065

6           BY:   ALAN WHITEHURST, ESQ.

7                           KETAN PATEL, ESQ.

8                           Alanwhitehurst@quinnemannual.com

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10  
11                   MORRISON & FOERSTER, LLP

12                   Attorneys for Plaintiff

13                           425 Market Street

14                           San Francisco, California 94105

15           BY:   MATTHEW I KREEGER, ESQ.

16                           mkreeger@mofo.com

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20   ALSO PRESENT:   Cindy Wheeler

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22  
23   Videographer:   Alexi dias

1 (Exhibit 1150, Notice of  
2 Deposition of Wayne  
3 westerman, marked for  
4 identification.)

5  
6 (Exhibit 1151, Condensed  
7 Transcript of the Deposition of  
8 Wayne Westerman dated October 12,  
9 2011, Bates stamped APLNDC  
10 X0000001512 through APLNDC  
11 X0000001620, marked for  
12 identification.)

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14 (Exhibit 1152, Condensed  
15 Transcript of the Deposition of  
16 Wayne Westerman dated November 17,  
17 2010, Bates stamped APLNDC  
18 X0000001623 through APLNDC  
19 X0000001680 marked for  
20 identification.)

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22 (Exhibit 1153, Exhibit 1153  
23 Condensed Transcript of the  
24 Deposition of Wayne Westerman  
25 dated October 11, 2011, Bates

1 stamped APLNDC X0000001746 through  
2 APLNDC X0000001773, marked for  
3 identification.)

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5 (Exhibit 1154, Condensed  
6 Transcript of the Deposition of  
7 Wayne Westerman dated June 28,  
8 2011, Bates stamped APLNDC  
9 X0000001775 through APLNDC  
10 X0000001826, marked for  
11 identification.)

12  
13 (Exhibit 1155, "Prehearing and  
14 Tutorial" dated September 23,  
15 2011, Bates stamped APLNDC  
16 X0000004562 through APLNDC  
17 X0000004274 through APLNDC  
18 X0000004906, marked for  
19 identification.)

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1 THE VIDEOGRAPHER: Good morning. This is  
2 the beginning of Disk Number 1 of the videotaped  
3 deposition of Mr. Wayne Westerman in the matter  
4 Apple Inc. versus Samsung Electronic Company in  
5 the United States District Court, Northern  
6 District of California, San Jose division. Case  
7 number 11 CV 01846 LHK. This deposition is being  
8 held at Quinn Emanuel, 555 Twin Dolphin Drive,  
9 Fifth Floor, in Redwood Shores, California, on  
10 October 31st, 2011. The time is 9:06 a.m. My  
11 name is Alexi Dias from TSG Reporting, Inc. and  
12 our court reporter is Linda Vaccarezza. Will  
13 counsel please introduce yourself.

14 MR. WHITEHURST: Good morning. My  
15 name is Alan Whitehurst, and with me  
16 today is my colleague, Ketan Patel. We  
17 are both at the law firm of Quinn Emanuel  
18 and we represent Samsung.

19 MR. KREEGER: Mathew Kreeger,  
20 Morrison & Foerster representing Apple  
21 and the witness. With me is Cindy  
22 Wheeler from Apple. Thank you.

23 WAYNE WESTERMAN,  
24 having been duly sworn by the Certified  
25 Shorthand Reporter, was examined and testified as

1 the fitting of ellipses to groups. This required  
2 a unitary transformation or finding Eigen  
3 values/vector angle of the covariance matrix of  
4 electro coordinates as described below and in the  
5 code excerpt."

6 Q. Dr. Westerman, why did the fitting  
7 of ellipses require a unitary transformation?

8 A. It's just saying that the unitary  
9 transformation is just a rotation of a coordinate  
10 system so that to align with the long angle of  
11 the data, and that's and that's just the step  
12 to finding the orientation of the major axis, you  
13 rotate your rotating the coordinate system so  
14 you can find the angle of the major axis. That's  
15 what it does for you. Really, I think unitary  
16 transformation just means rotating a coordinate  
17 system, but in this case, you're doing it to  
18 match the Eigen vector of the covariance matrix,  
19 and that should match up with the long or major  
20 axis of the data.

21 Q. REDACTED

REDACTED

REDACTED

24 A. REDACTED

25 Q. REDACTED

1           C E R T I F I C A T E

2       STATE OF CALIFORNIA        )

3                                    )

4       COUNTY OF SAN FRANCISCO )

5           I, LINDA VACCAREZZA, a Certified  
6       Shorthand Reporter for the State of  
7       California, do hereby certify:

8           That WAYNE WESTERMAN, the witness  
9       whose deposition is herein before set  
10      forth, was duly sworn by me and that such  
11      deposition is a true record of the  
12      testimony given by such witness.

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

18          IN WITNESS WHEREOF, I have hereunto  
19      set my hand this 31st day of October  
20      2011.

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22                                    \_\_\_\_\_  
23      LINDA VACCAREZZA, CSR. NO. 10201

24  
25                                   I N D E X

