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13 Attorneys for SAMSUNG ELECTRONICS  
 CO., LTD., SAMSUNG ELECTRONICS  
 14 AMERICA, INC. and SAMSUNG  
 TELECOMMUNICATIONS AMERICA, LLC  
 15

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

18 APPLE INC., a California corporation,

19 Plaintiff,

20 vs.

21 SAMSUNG ELECTRONICS CO., LTD., a  
 Korean business entity; SAMSUNG  
 22 ELECTRONICS AMERICA, INC., a New  
 York corporation; SAMSUNG  
 23 TELECOMMUNICATIONS AMERICA,  
 LLC, a Delaware limited liability company,

24 Defendants.  
 25

CASE NO. 11-cv-01846-LHK

**DECLARATION OF ITAY SHERMAN IN  
 SUPPORT OF SAMSUNG'S MOTION TO  
 PERMIT SAMSUNG'S EXPERT ITAY  
 SHERMAN TO REVIEW DESIGN  
 MATERIALS DESIGNATED UNDER  
 THE PROTECTIVE ORDER**

Date: December 16, 2011

Time: 10:00 am

Place: Courtroom 5, 4th Floor

Judge: Hon. Paul S. Grewal

1 I, Itay Sherman, declare:

2 1. I am an independent consultant in the areas of communication and cellular handset  
3 technology. I have been asked to provide expert testimony on behalf of Samsung Electronics Co.  
4 Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC  
5 (collectively “Samsung”) in the above-captioned case.

6 2. I submit this declaration in support of Samsung's Motion to Permit Samsung’s  
7 Expert Itay Sherman to Review Design Materials Designated Under The Protective Order.

8 3. If asked at hearings or trial, I am prepared to testify regarding the matters I discuss  
9 in this declaration.

10 I. PROFESSIONAL BACKGROUND

11 4. I earned a bachelor degree with honors (B.Sc) in Electrical engineering from Tel  
12 Aviv University in 1991, and a master degree with honors (M.Sc) in Bio medical engineering from  
13 Tel Aviv University in 1995.

14 5. I have worked in the telecommunication industry for the last 20 years of which the  
15 last 10 years I worked on mobile handset technology and products.

16 6. Between 2004 and 2007, I was the Chief Technology Officer for Texas Instruments  
17 Mobile Connectivity group, which developed key components for mobile handsets. While there,  
18 I worked closely with Nokia, Motorola, and Sony Ericsson to define technology solutions that  
19 would comply to their handset design constraints.

20 7. Between 2007 and 2010, I served as the Chief Technology Officer for modu LTD,  
21 a handset and accessories manufacturer that pioneered the concept of modular handsets. The  
22 modu concept revolved around the idea of a modular phone that has a base unit that can operate as  
23 a very small form factor handset, but could also be plugged into consumer electronic devices we  
24 termed “jackets” that enhance the capabilities and external design of the handset and enable it to  
25 morph.

26 8. The development of the modu concept required investigation and experimentation  
27 with the possible boundaries of handset design electrical circuitry, mechanical design, and  
28 industrial design. I led the effort for design of multiple handsets as well as additional consumer

1 devices that the company had been developing. The modu1 handset design was awarded the  
2 Guinness Book of Records certificate for the lightest handset in the world. The modu-T handset  
3 design was awarded the Guinness Book of Records certificate for the lightest touch phone.

4 9. Along with supervising the industrial and manufacturing design process, I was  
5 responsible for ensuring that the company understood the different technologies and components  
6 available for handsets. This required analyzing size and placement limitations, defining the  
7 parameters for the achievable dimensions of different designs, and studying competing handsets  
8 and understanding their design tradeoffs based on observations and commercially available  
9 teardowns.

10 10. As CTO of modu, I was also responsible for obtaining and maintaining intellectual  
11 property registrations, including design patents.

12 11. I also served as the head of the handset cluster of the IMA (Israeli Mobile  
13 Association) and lectured on handset technology and design at public seminars.

14 12. I am a named inventor on 15 registered patents and more than 60 pending  
15 submissions.

16 II. SCOPE OF TESTIMONY

17 13. On August 22, 2011, I signed the Declaration of Itay Sherman in Support of  
18 Samsung's Opposition to Apple's Motion for a Preliminary Injunction. That document contained  
19 my expert opinion about several of Apple's asserted design patents. In particular, I testified about  
20 the functionality of numerous aspects of Apple's patented designs. I continue to serve as an  
21 expert witness on behalf of Samsung, and I plan to offer further testimony regarding Apple's  
22 design patents as the lawsuit progresses.

23 14. I have not testified as an expert witness about any of Apple's utility patents,  
24 including any that related to multi-touch technology. Furthermore, I will not be offering such  
25 expert testimony in this case.

26 15. To date, I have been unable to review confidential documents produced by Apple  
27 relevant to its design patents. I understand that Apple has refused to allow me to view  
28 confidential documents because I operate DoubleTouch Ltd., a technology company that is

1 working in the field of multi-touch controllers for consumer electronic devices. I understand that,  
2 although Apple has asserted a utility patent related to multi-touch technology, the confidential  
3 documents I will potentially review are design documents that are unrelated to multi-touch  
4 technology.

5 III. DOUBLETOUCH LTD.

6 16. I established DoubleTouch in 2010 after inventing a low cost multi-touch  
7 technology for resistive touch screens. I am the founder, CEO, and sole board member of  
8 DoubleTouch. The company does not currently employ any paid employees. Furthermore, the  
9 company currently has no customers.

10 17. DoubleTouch further developed DoTwo technology. This technology is aimed at  
11 providing multi-touch capability to low cost consumer electronic devices that cannot afford to  
12 support higher cost solutions, such as capacitive touch screens. The relevant type of devices to  
13 which the technology can be incorporated are portable multimedia players (PMPs), digital still  
14 cameras (DSCs), and low cost mobile handsets.

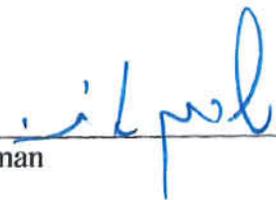
15 18. DoubleTouch has been focusing its efforts on selling the technology to silicon  
16 vendors that provide touch controllers to the consumer electronic market. The company may also  
17 license the technology to consumer electronic brands in the future.

18 19. DoubleTouch is not involved in any industrial, mechanical, or aesthetic design of  
19 any consumer electronic device. The company does not manufacture consumer electronic  
20 products and in no way competes with consumer electronic brands or manufacturers. In  
21 particular, DoubleTouch is not in competition with Apple. Instead, DoubleTouch competes with  
22 other companies that license multi-touch technology for resistive touch displays, such as Stantum,  
23 which licenses Pmatrix multi-touch technology to silicon vendors.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 12, 2011.

By  \_\_\_\_\_  
Itay Sherman

