

EXHIBIT N

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 Durkin and Sterne Kessler Goldstein and Fox.

2 VIDEOGRAPHER: Thank you. Will the
3 court reporter please swear in the witness,
4 after which we can begin.

5
6 TRACY-GENE GRAVELINE DURKIN,
7 Being first duly sworn, testified as
8 follows:

9 EXAMINATION

10 BY MR. ZELLER:

11 Q. Good morning.

12 A. Good morning.

13 Q. Would you tell us your full name for
14 the record?

15 A. Tracy-Gene, G-E-N-E, Graveline,
16 G-R-A-V-E-L-I-N-E, Durkin, D-U-R-K-I-N.

17 Q. And have you ever gone by any other
18 names?

19 A. Only my maiden name.

20 Q. And what's that?

21 A. Tracy-Gene Graveline.

22 Q. And so when did you switch over and
23 stop using your maiden name?

24 A. 1991.

25 Q. You're an attorney?

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 legal conclusion.

2 THE WITNESS: I don't know.

3 BY MR. ZELLER:

4 Q. Directing your attention to Fig. 2,
5 you'll see that there are those diagonal lines,
6 three sets of them, on the figure.

7 A. Uh-huh.

8 Q. Do you see what I'm referring --

9 A. I do, uh-huh.

10 Q. Do you have an understanding as to
11 what those are?

12 MR. CORNWELL: Objection, calls for a
13 legal conclusion.

14 THE WITNESS: I don't.

15 BY MR. ZELLER:

16 Q. Directing your attention to Fig. 4,
17 you'll see that it's the back view, but it
18 doesn't have those diagonal lines.

19 A. It's a bottom view, correct.

20 Q. Do you have --

21 A. According to the patent.

22 Q. Do you have any understanding or
23 information as to why the diagonal lines are not
24 on Fig. 4?

25 MS. YOHANNAN: Objection, calls for

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?