EXHIBIT I

 1   UNITED STATES DISTRICT COURT

 2   NORTHERN DISTRICT OF CALIFORNIA

 3   SAN JOSE DIVISION

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    ---------------------------------x
 5 APPLE INC., a California   )
    corporation,   )
 6   )
                        Plaintiff,   )
 7   )
              vs.   )
 8   )No. 11-CV-01846LHK
    SAMSUNG ELECTRONICS CO., LTD.,   )
 9 a Korean entity; SAMSUNG   )
    ELECTRONICS AMERICA, INC., a   )
10 New York corporation; SAMSUNG   )
    TELECOMMUNICATIONS AMERICA, LLC,)
11 a Delaware limited liability   )
    Company,   )
12   )
                        Defendants.   )
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17   VIDEOTAPED DEPOSITION OF TONY GIVARGIS, PH.D.

18   Los Angeles, California

19   Tuesday, December 6, 2011

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21   HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

22

23 Reported by:

24 SUSAN A. SULLIVAN, CSR #3522, RPR, CRR

25 JOB NO. 44330

1   MR. SHAH: Ali Shah, WilmerHale, for the witness

2   and representing Apple.

3   THE VIDEOGRAPHER: Thank you.

4   And will the reporter now swear or affirm

5   the witness.

6

7   TONY GIVARGIS, PH.D.,

8   called as a witness, having been duly sworn by

9   the court reporter, was examined and testified

10   as follows:

11

12   EXAMINATION

13   BY MS. MAROULIS:

14   Q   Good morning, Mr. Givargis. How are you

15   today?

16   A   Good, thank you.

17   Q   My name is Victoria Maroulis and I will be

18   asking you some questions today.

19   Have you ever been deposed before?

20   A   No.

21   Q   In that case let me briefly run you through

22   the rules of the deposition.

23   First of all, do you understand that you

24   are testifying today like you would be in a court of

25   law under oath even though we're sitting in a

 1   MR. SHAH: Objection. The document speaks for

 2 itself.

 3   THE WITNESS: In my document I use Java as a

 4 very good example of an operating-system independent

 5 environment in programming language paradigm, you

 6 will say. But it certainly is not the only

 7 operating-system independent kind of applet for

 8 language.

 9   Q   BY MS. MAROULIS: The definition of

10 operating-system independent you just used today is

11 broader than what you used in your declaration,

12 correct?

13   MR. SHAH: Objection; mischaracterizes his

14 testimony.

15   THE WITNESS: Can you refer me to the definition

16 I have used in the declaration?

17   Q   BY MS. MAROULIS: I understand your

18 declaration to equate Java and operating-system

19 independence; is that right?

20   A   It is the case that Java is an operating-

21 system independent programming language.

22   Q   Nowhere in your declaration have you

23 actually stated the definition of the operating-

24 system independence that you used a few minutes ago

25 when I asked you a question; is that right?

 1   MR. SHAH: Objection; the document speaks for

 2   itself.

 3   THE WITNESS: That is correct, yes.

 4   Q   BY MS. MAROULIS: Now Mr. Cole considers

 5   the applets you and I have been discussing systems,

 6   operating-systems dependent, correct?

 7   A   Mr. Cole lists these applets and in some

 8   cases draws that conclusion. For example, in the

 9   case of AppleScript it says that AppleScript is a

10   system scripting language used for the Macintosh OS

11   operating system.

12   Q   Do you disagree with him with respect to

13   that?

14   A   I do not disagree with him but I'm not

15   certain if what Mr. Cole, for instance, says in 52

16   eliminates the possibility of AppleScript being

17   operating-system independent.

18   Q   Would you be able to run an AppleScript

19   applets on a Windows computer?

20   A   If I could obtain the specification for

21   AppleScript programming language, the scripting

22   language, and if I were to build an interpreter that

23   ran natively on Windows, then I could take an

24   AppleScript applet and, without modification, run it

25   or interpret it on the Windows environment.

1   Q   But that would require constructing a whole

2   new operating system, essentially, correct?

3   A   That would require constructing an

4   application that would be the host, that would be

5   the interpreter of the AppleScript applet.

6   Q   Without being able to construct a host or

7   an interpreter you cannot run an AppleScript applet

8   on a Windows system, correct?

9   A   In the absence of an interpreter it would

10   be impossible to run an AppleScript. Well, it would

11   not be, that I can think of, possible to run an

12   AppleScript applet, that is correct, yes.

13   Q   Could you run a AppleScript applet on a

14   Linux machine?

15   A   Again, if I could design and implement this

16   host application that had the ability to interpret

17   the scripting language, AppleScript, then I would be

18   able to take any AppleScript applet without

19   modification and run that in the context of that

20   interpreter on a Linux box.

21   Q   But, again, if you could not build the host

22   application and cause it to interpret the scripting

23   language you could not run an AppleScript applet on

24   a Linux, right?

25   A   That is correct. A Linux box requires, has

1   its own machine language and -- which is

2   incompatible with an AppleScript applet, yes.

3   Q   You used the term "translator" a minute

4   ago, correct?

5   A   Correct.

6   Q   What is that?

7   A   An interpreter is sometimes also referred

8   to as a translator because it, in essence, it reads

9   an instruction that is written in Program A, for

10   example AppleScript, and translates it to an

11   instruction that is -- that can be executed on a

12   Machine B running a particular operating system.

13   Q   Is there any mention of translators or

14   interpreters in the '711 patent?

15   MR. SHAH: Objection; the document speaks for

16   itself.

17   THE WITNESS: I do not think so, no.

18   Q   BY MS. MAROULIS: To your recollection is

19   there any mention of translators or interpreters in

20   the file history of the '711 patent?

21   MR. SHAH: Same objection.

22   THE WITNESS: I do not think so, no.

23   Q   BY MS. MAROULIS: Going to Mr. Cole's

24   declaration, do you agree with the intrinsic

25   evidence on which he relies?

1   MR. SHAH: Take whatever time you need.

2   THE WITNESS: Yes.

3   MR. SHAH: Review that portion of the document.

4   Q   BY MS. MAROULIS: And for your reference it

5   is stated on Pages 6, 7, 8, 9 and 10 of his

6   declaration.

7   A   Yes. I do not agree with it entirely.

8   Q   You disagree with his characterization,

9   correct?

10   A   That is correct.

11   Q   But you do agree with the actual passages

12 of which he relies?

13   MR. SHAH: Objection; vague.

14   THE WITNESS: I do agree that the passages were

15 lifted directly from the '711 patent, especially the

16 ones in the code, yes.

17   Q   BY MS. MAROULIS: And those are the same

18 passage of the specification in which you relied,

19 correct?

20   A   That is correct, yes.

21   Q   I meant to ask you and I forgot. On Page 3

22 there's a definition of "person of ordinary skill in

23 the art" in Mr. Cole's declaration. Do you see

24 that?

25   A   Yes.

1   State of California   )
)   ss.
2   County of Los Angeles)

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4   I, SUSAN A. SULLIVAN, CALIFORNIA CSR No.

5   3522, RPR, CRR, do hereby certify:

6   That prior to being examined TONY GIVARGIS,

7   PH.D., the witness named in the foregoing

8   deposition, was, before the commencement of the

9   deposition, duly administered an oath in accordance

10   with C.C.P. Section 2094;

11   That the said deposition was taken before

12   me at the time and place therein set forth, and was

13   taken down by me in shorthand and thereafter

14   transcribed into typewriting under my direction and

15   supervision; that the said deposition is a true and

16   correct record of the testimony given by the

17   witness;

18   I further certify that I am neither counsel

19   for, nor in any way related to any party to said

20   action, nor in any way interested in the outcome

21   thereof.

22   IN WITNESS WHEREOF, I have subscribed my

23   name on this 6th day of December, 2011.

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     _____
25   SUSAN A. SULLIVAN