

EXHIBIT A

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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APPLE INC., a California      )
corporation,                  )
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Plaintiff,

vs.

No. 11-CV-01846LHK

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SAMSUNG ELECTRONICS CO., LTD., )
a Korean entity; SAMSUNG      )
ELECTRONICS AMERICA, INC., a )
New York corporation; SAMSUNG )
TELECOMMUNICATIONS AMERICA, )
LLC,                           )
a Delaware limited liability )
Company,                        )
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Defendants.

VIDEOTAPED DEPOSITION OF TONY GIVARGIS, PH.D.
Los Angeles, California
Tuesday, December 6, 2011

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Reported by:
SUSAN A. SULLIVAN, CSR #3522, RPR, CRR
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 his resume and I believe he would have a very good
2 reputation in the area.

3 Q Do you agree that he is qualified to render
4 an opinion on the meaning of the term "applet"?

5 A I believe so, yes.

6 Q In reviewing Mr. Cole's declaration which
7 is Exhibit 4, are there any portions of his
8 declaration that you agree with?

9 A Do you want me to go section by section
10 or --

11 Q However is easiest for you.

12 A I believe the one area that Mr. Cole and
13 myself agree on is that an applet runs within
14 another piece of software. We -- you know, I think
15 that is sort of Section 11.

16 Q Do you mean Paragraph 11?

17 A Paragraph 11, yes.

18 Q Do you agree with Mr. Cole that for purpose
19 of this patent another a program or application
20 module is essentially equivalent?

21 MR. SHAH: Objection to form.

22 THE WITNESS: Yes. I believe that Paragraph 11
23 is vague in the use of the term "'another program'
24 or 'an application module.'" I do draw a
25 distinction between an application and a program but

1 I do recognize that there are sometimes in
2 conversational computer science used
3 interchangeably.

4 Q BY MS. MAROULIS: Do you agree these two
5 terms can be used interchangeably in the context of
6 the '711 patent?

7 MR. SHAH: Objection; asked and answered.

8 THE WITNESS: Yes, my answer would be the same.
9 I believe that it is important to recognize that an
10 application is more than just a program but that in
11 the field of computer science oftentimes a program
12 is used when an application would work equally as
13 well.

14 Q BY MS. MAROULIS: Besides Paragraph 11, are
15 there any other portions of Mr. Cole's declaration
16 that you agree with?

17 MR. SHAH: Take whatever time you need to review
18 the document.

19 THE WITNESS: Yes. If you don't mind, I will
20 quickly look at the exhibits. Not the exhibits but
21 the description in the declaration.

22 Q BY MS. MAROULIS: Please go ahead.

23 A I believe we both agree that the '711
24 patent and the prosecution history does not define
25 the term "applet" adequately.

1 Q Do you believe Mr. Cole says that applet is
2 not adequately defined by the intrinsic record?

3 A Mr. Cole mentions that there is limited
4 discussion in the specification and claims of the
5 '711 patent, as well as the prosecution history, as
6 to the definition of the term "applet." That is
7 consistent with my understanding of my view of
8 things that the term "applet" is not adequately
9 defined in the patent.

10 Q Mr. Cole himself does not use the word
11 "inadequate" or "not adequate," right?

12 A That is correct, yes.

13 Q So you agree with Mr. Cole that there is
14 limited intrinsic material in which to rely on.

15 A That is correct, yes.

16 Q Anything else that you and Mr. Cole agree
17 on?

18 A Yes. In the "Extrinsic Evidence" section I
19 do agree with many of the examples that are
20 presented; for example, AppleScript applets, Linux
21 applets, Ruby applets, as being the kinds of
22 applets, different, not necessarily Java applets.
23 However, all of these, or at least the ones I just
24 enumerated, do follow the Java-like interpreted
25 nature of applets.

1 State of California)
2 County of Los Angeles) ss.
3

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.

24
25


SUSAN A. SULLIVAN