EXHIBIT B

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 1            UNITED STATES DISTRICT COURT

 2           NORTHERN DISTRICT OF CALIFORNIA

 3                 SAN JOSE DIVISION

 4
     --------------------------------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

20

21       HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

22

23   Reported by:

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

25   JOB NO. 44330
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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   thing?

2   A   Not the entire thing, no.

3   Q   How did you decide what portions of that

4   file history to review?

5   A   The file history was provided to me by the

6   attorneys.

7   Q   The file history that you see before you is

8   double-sided, so do you remember giving me documents

9   that is this thick or thicker or was it a smaller

10   document?

11   A   I recall a smaller document.

12   MS. MAROULIS: Counsel, I would appreciate

13   seeing the version of the file history that was

14   provided to the witness.

15   MR. SHAH: I can represent that we provided the

16   certified file history.

17   MS. MAROULIS: The entire file history?

18   MR. SHAH: We did.

19   MS. MAROULIS. Via PDF file, not via paper.

20   Q   BY MS. MAROULIS: This is not a memory

21   test, but do you recall any references to Java in

22   the context of applets in the file history?

23   A   There was absolutely no reference to Java

24   in the file history that I reviewed.

25   Q   Was there any reference to applet being

1   operating-systems independent?

2   A   I do not recall any reference to operating-

3   system-independent applets in the file history that

4   I reviewed.

5   Q   Turning back to Exhibit 2 which is the

6   patent-in-suit, is it correct, sir, that there's

7   only one place where applets are mentioned in the

8   patent?

9   A   There is only one place in the

10 specification that refers to patents.

11   Q   Thank you.

12   A   And to applet.

13   Q   Thank you for correcting me. I did mean

14 specification.

15   And is it correct, sir, that that place in

16 the specification is Column 3, Lines 8 through 14?

17   A   Yes, that is correct.

18   Q   This passage does not mention Java as well,

19 correct?

20   A   That is correct.

21   Q   And it does not mention operating-systems

22 independent.

23   A   That is correct, yes.

24   Q   Why do you cite this passage to support

25 your definition in your declaration?

1   A   Yes. The important element of this passage

2   is the part that says at least one applet within an

3   application model -- module or in each of the

4   application modules, and that relationship of an

5   applet within an application module or in the

6   context of an application module is relevant to my

7   understanding and definition of applets being

8   interpreted by a host application module.

9   Q   Where do you see the word "within," sir?

10   A   There is no "within" in this, in this

11   particular text.

12   Q   Okay.

13   A   There's an association, yes.

14   Q   Can you explain how you read this last

15   sentence to support your definition.

16   A   "Application modules of the portable

17   terminal include at least one applet and each of the

18   application modules, that is each menu of the

19   portable terminal, independently performs multi-

20   tasking."

21   So as I interpret it, the applets run

22   within or execute within an application module or

23   execute in the context of an application module.

24   Q   Do you draw a distinction between

25   "application module" and "program"?

1   A   Typically in computer science the two terms

2 are often interchangeable, but an application module

3 does represent an entity that has certain features

4 that one can -- one can point at or determine.

5   Q   So you agree me that in the definition at

6 issue we can use "program" instead of "application

7 module"?

8   MR. SHAH: Objection; mischaracterizes the

9 testimony.

10   THE WITNESS: I agree that commonly one would,

11 in conversational sort of environments one would

12 sort of interchange "program" with "application" but

13 an application is a well-defined entity.

14   Q   BY MS. MAROULIS: What do you mean when you

15 say application is a well-defined entity?

16   A   A computer program is just some

17 instructions on how to compute the function. An

18 application certainly has a program or performs many

19 functions but in addition has certain properties.

20 It has a starting point, it has some resource

21 utilization requirements, it is typically packaged

22 in some form so it can be distributed or stored on a

23 hard disc, et cetera.

24   Q   What in particular about this sentence

25 supports the notion in your declaration of

1   operating-system independent?

2   A   This passage does not make reference to

3   operating-system independent. However, the

4   association between an applet and an application

5   module, together with the claim language and the

6   prosecution, the file history, does suggest to me

7   that the applet requires the application module as

8   a, sort of as a context, and that relationship is

9   what one would expect from Java applets or Java-like

10   applets, that interpreted.

11   Q   Setting aside the claim language and

12   prosecution history, is it correct that there's

13   nothing in this particular passage that indicates

14   operating-system independence?

15   A   Nothing in the passage mentions anything

16   about being operating-system independent, yes.

17   Q   Let's take a look at the claim language.

18   For example, Claim 1 in Column 7, do you see that?

19   A   Yes.

20   Q   The relevant limitation is "Generating a

21   music background play object, wherein the music

22   background play object includes an application

23   module including at least one applet."

24   Is there any mention of operating-system

25   independence here?

1   A   No.

2   Q   Is there anything in this claim that you

3   see that supports your notion of operating-system

4   independence?

5   A   What I see in this sentence, passage, is,

6   again, the association between an applet running or

7   an applet that is within an application module and

8   that association to me suggests a Java-like

9   interpreted environment.

10   Q   Did you review the testimony of the

11 inventor of this patent?

12   A   Yes. I reviewed a subset of it.

13   Q   Did you see that the inventor who was

14 developing this technology was working with system-

15 dependent applets?

16   A   That is correct, yes.

17   Q   Which system-dependent applets was he

18 working with, to your understanding?

19   MR. SHAH: If you need to see any documents to

20 refresh your recollection, you can ask.

21   THE WITNESS: Yes. I think this one I can

22 answer without the document, but it was a Qualcomm

23 chipset.

24   Q   BY MS. MAROULIS: Do you disagree that the

25 technology he was working on is described by Claim

1   1?

2   MR. SHAH: Object to the extent it calls for a

3   legal conclusion.

4   THE WITNESS: I have not formed that position

5   yet.

6   Q   BY MS. MAROULIS: Do you understand that he

7   was asked during deposition about the embodiments of

8   the patent?

9   MR. SHAH: Same objection.

10   THE WITNESS: Yes. I'm not sure exactly what he

11   was asked.

12   Q   BY MS. MAROULIS: If the technology that he

13   was working on embodies this claim would you agree

14   with me that the claim includes applets that are

15   also system dependent?

16   MR. SHAH: Same objection.

17   THE WITNESS: Based on -- I recognize that the

18   inventor was working with a system that was

19   OS-dependent, specifically the Qualcom chipset.

20   However, that use of the term "applet" within that

21   context was unusual or it was not consistent with

22   the common understanding of the term "applet" at the

23   time and the '711 patent does not make that

24   distinction clear.

25   Q   BY MS. MAROULIS: If the '711 patent does

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

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