

EXHIBIT C

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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APPLE INC., a California)
corporation,)
))
Plaintiff,)
))
vs.)
)) No. 11-CV-01846LHK
SAMSUNG ELECTRONICS CO., LTD.,)
a Korean entity; SAMSUNG)
ELECTRONICS AMERICA, INC., a)
New York corporation; SAMSUNG)
TELECOMMUNICATIONS AMERICA, LLC,)
a Delaware limited liability)
Company,)
))
Defendants.)
-----x

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 Q Is there any references in this patent to
2 system independent nature of applets?

3 A You mean operating-system dependent or just
4 system?

5 Q Yes.

6 A No, there is not.

7 Q If you recall, is there any reference to
8 Java in the context of applets in the prosecution
9 history?

10 MR. SHAH: If you need to review any documents,
11 you can ask for them.

12 THE WITNESS: Yes, I would appreciate it if I
13 had a copy of the prosecution history.

14 MS. MAROULIS: I'm happy to mark the file
15 history. It is rather sizeable.

16 Let's mark this as Exhibit 5.

17 (Givargis Exhibit 5, a document, Bates Nos.
18 SAMNDCA00007840 to SAMNDCA00008459, marked
19 for identification, as of this date.)

20 Q BY MS. MAROULIS: Sir, I'm placing before
21 you Exhibit 5. Do you recognize it as the
22 prosecution history of the '711 patent?

23 A I believe portions of it I have reviewed,
24 yes.

25 Q You don't remember reviewing the whole

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 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