

EXHIBIT F

1 UNITED STATES DISTRICT COURT
 2 NORTHERN DISTRICT OF CALIFORNIA
 3 SAN JOSE DIVISION
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 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.)
 13 -----x

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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

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 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 Qualcomm 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)
2 County of Los Angeles) ss.
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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.

24
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SUSAN A. SULLIVAN