

EXHIBIT G

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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 appreciate it.

2 MS. MAROULIS: I anticipated your need.

3 We're going to mark this as Exhibit 8 for
4 identification.

5 (Givargis Exhibit 8, a document, marked for
6 identification, as of this date.)

7 THE WITNESS: Thank you.

8 Q BY MS. MAROULIS: Is Exhibit 8 the excerpt
9 of the "Developer's Resource" guide that you were
10 citing to in your declaration?

11 A Yes. It appears to be pages of the
12 chapter, yes.

13 Q And I believe the explanation you are
14 referring to is on Pages 11 and 12.

15 A Yes.

16 Q Is there anything in this excerpt that says
17 that applets must be system, operating-system
18 independent?

19 MR. SHAH: Objection. The document speaks for
20 itself.

21 THE WITNESS: I believe that this document very
22 strongly suggests that Java applets are platform
23 independent.

24 Q BY MS. MAROULIS: Where in particular do
25 you see that?

1 A Well, the text has an entire paragraph that
2 talks about distributing executable programs and how
3 that is, these programs, binary programs, are
4 closely tied to a specific hardware and operating
5 system. And then it goes on -- and then gives some
6 examples.

7 And then it goes on to say how Java solves
8 the problem of platform independence by using byte
9 code. Byte codes, and it describes the rest of it.

10 Q So this particular reference is limited to
11 Java environment, right?

12 A That is correct, yes.

13 Q And so in your -- by definition it will not
14 talk about operating-system dependent applets.

15 MR. SHAH: Objection; mischaracterizes his
16 testimony.

17 THE WITNESS: Applets as commonly understood are
18 usually Java applets or Java-like applets,
19 interpreted programs, and this document gives an
20 example of how a Java achieves that mechanical
21 independence of the OS.

22 Q BY MS. MAROULIS: I'm sorry, my question
23 wasn't clear.

24 Since this particular document is limited
25 to Java, you personally would not expect to see

1 discussion of operating-system dependent applets in
2 it, correct?

3 A That is correct, because the operating-
4 system independent nature of Java is a very
5 fundamental and core aspect of the Java, and Java-
6 like interpreted nature of interpreted languages.

7 Q In arriving at your opinion did you examine
8 the accused devices in this case?

9 A I did not.

10 Q Do you know which devices Samsung is
11 accusing of infringement?

12 A I believe it involves the iPhone, possibly
13 the iPad.

14 Q Do you know which ones, whether it is
15 iPhone or iPad or both?

16 A I believe it is both but I'm not certain a
17 hundred percent, yes.

18 Q Do you know which particular versions of
19 iPhone are being accused?

20 MR. SHAH: I caution the witness not to
21 speculate.

22 If you know, you can answer.

23 THE WITNESS: Yes, I do not know the exact
24 answer.

25 Q BY MS. MAROULIS: Do you know which

1 particular versions of iPad, if any, are accused?

2 MR. SHAH: Same objection.

3 THE WITNESS: I do not know the exact version.

4 Q BY MS. MAROULIS: Do you know how any of
5 the accused devices operate in terms of which
6 programming environment they use?

7 MR. SHAH: Same caution.

8 THE WITNESS: I am familiar with the programming
9 language used by Apple Corporation in its various
10 products, yes.

11 Q BY MS. MAROULIS: What language does Apple
12 use?

13 A The bulk of the language that Apple uses is
14 Objective-C but there is also the C, pure C code in
15 a lot of Apple products.

16 Q Have you looked at any Samsung devices
17 embodying the '711 patent?

18 MR. SHAH: Objection to the extent it calls for
19 a legal conclusion.

20 THE WITNESS: I have not.

21 Q BY MS. MAROULIS: Do you know whether --
22 strike that.

23 Do you know which programming language is
24 used by the Samsung devices embodying this patent?

25 A I do not.

1 Q Going back to your declaration, Exhibit 1,
2 we're now in Paragraph 48 and you are citing "Java:
3 An Introduction to Computer Science & Programming,"
4 correct?

5 A That is correct, yes.

6 Q Now this document as well is devoted
7 exclusively to Java programming environment, right?

8 A That is correct, yes.

9 Q And it does not discuss any other applets
10 other than Java applets?

11 A That is correct, yes.

12 Q On Page -- strike that.

13 In Paragraph 49 of your declaration you
14 cite "IBM e-server pSeries." What is that
15 reference?

16 A The reference by Hoskins?

17 Q Yes. What is the nature of this reference?
18 Is it a textbook, dictionary?

19 A May I take a look at the exhibit to refresh
20 my memory?

21 Q I don't believe we were provided with that
22 so I'm going to rely on your memory of this.

23 MR. SHAH: I just caution the witness not to
24 speculate.

25 You can answer the question to the extent

1 that you recall.

2 THE WITNESS: Yes, I do recall that this was an
3 article that described the pSeries server by IBM,
4 and, in general, so it was not specifically Java,
5 but it had a segment that it discussed Java and
6 supporting Java on this particular server from IBM.

7 Q BY MS. MAROULIS: How does this particular
8 reference support your opinion?

9 A Yes. It reiterates the fact that Java is
10 an object-oriented programming environment that
11 operates independent of any operating system or
12 microprocessor.

13 Q Does this reference discuss applets more
14 generally than in the general context?

15 A This reference discusses Java applets.

16 Q Does it discuss any other applets, if you
17 recall?

18 MR. SHAH: I will caution you not to speculate
19 but you can answer to the extent that you remember.

20 THE WITNESS: To the extent that I remember,
21 this particular paragraph was about Java applets.

22 Q BY MS. MAROULIS: Other than this
23 paragraph, do you recall whether the entire
24 reference discusses other applets other than Java
25 ones?

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