EXHIBIT R

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

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ORIGINAL

APPLE INC., a California corporation,	)))
Plaintiff,	))
vs.	) Civil Action No.) 11-CV-01846-LHK
SAMSUNG ELECTRONICS CO., LTD., a Korean business entity, SAMSUNG ELECTRONICS AMERICA, INC., a New York corporation, and SAMSUNG TELECOMMUNICATIONS AMERICA, LLC, a Delaware limited liability company,	))))))))
Defendants.	))

HIGHLY CONFIDENTIAL - OUTSIDE COUNSEL EYES ONLY

MOON-SANG JEONG

(Testimony provided through Korean interpreter.)

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Thursday, November 17, 2011

REPORTED BY: SHERRI STARR, CRR, CSR 10245(03-325988)

1	MAIN INTERPRETER: Excuse me. I think	10:18:46
2	counsel needs to know -- the parties probably need	10:18:48
3	to know if you simply agree with this interpreter's	10:18:51
4	rendition or not as opposed to your rendition.	10:18:54
5	MS. MAROULIS: We need to know both	10:18:57
6	because this is an important question.	10:18:58
7	MAIN INTERPRETER: Absolutely. With due	10:19:00
8	respect, we would be saving a lot of time because	10:19:01
9	the check interpreter clearly did not hear the word	10:19:04
10	"yong-eo" in Korean and the witness seems to agree	10:19:07
11	and the audio playback would indicate as much. And	10:19:11
12	we need to operate in good faith with each other and	10:19:14
13	simply, you know, there's always human error,	10:19:17
14	acoustics and otherwise. My good colleague in good	10:19:19
15	faith has not seemed to have heard the one operative	10:19:23
16	word -- the term.	10:19:24
17	CHECK INTERPRETER: May the check	10:19:27
18	interpreter have time to render?	10:19:29
19	MS. MAROULIS: Please render the	10:19:31
20	translation.	10:19:33
21	CHECK INTERPRETER: Thank you. "Speaking	10:19:34
22	as an engineer, an applet can be viewed as either	10:19:35
23	operating system independent or operating system	10:19:40
24	dependent. In the case of the Java, it can be	10:19:43
25	agreed to be OS independent; however, I've also seen	10:19:50

1	applet being used in an OS-dependent platform."	10:19:55
2	MS. MAROULIS: I think we can move on.	10:20:05
3	Thank you for your patience, Counsel.	10:20:06
4	MR. BASSETT: Q. Was that true in 2005?	10:20:10
5	MS. MAROULIS: Objection. Calls for	10:20:15
6	speculation.	10:20:16
7	THE WITNESS: You mean as to the word --	10:20:27
8	the fact that "applet" can be used with respect to	10:20:28
9	an OS-dependent instance?	10:20:33
10	MR. BASSETT: Q. Correct.	10:20:36
11	A. Yes, it was so used.	10:20:38
12	Q. By whom?	10:20:44
13	MS. MAROULIS: Objection. Calls for	10:20:47
14	speculation. Lacks foundation.	10:20:48
15	THE WITNESS: Well, for instance, around	10:21:14
16	this 2005 time frame, I had, as an engineer, been	10:21:15
17	participating in developing the Qualcomm platform,	10:21:22
18	and when it comes to the Qualcomm platform, they use	10:21:25
19	only the Qualcomm chipsets. But within it in going	10:21:29
20	about developing applications, they also, for	10:21:32
21	instance, use the word "applet."	10:21:34
22	CHECK INTERPRETER: Check interpreter:	10:21:37
23	"For instance, around the 2005 time frame, as an	10:21:38
24	engineer, at that time Qualcomm platform was used	10:21:45
25	and it comes to Qualcomm platform, they used	10:21:50

1	Qualcomm chipsets. And in that chipset,	10:21:54
2	applications were developed and the word 'applet'	10:22:00
3	were used in that instance."	10:22:05
4	MR. BASSETT: Q. And when the word	10:22:07
5	"applet" was used in that instance, it was your	10:22:08
6	understanding that it was referring to something	10:22:12
7	that was operating system dependent?	10:22:14
8	MS. MAROULIS: Objection. Calls for	10:22:18
9	speculation.	10:22:19
10	THE WITNESS: Yes, from an engineer's	10:23:05
11	perspective, seeing as how the -- in the case of the	10:23:08
12	Qualcomm environment, the use of the term "applet"	10:23:13
13	in that case was something that applied with respect	10:23:17
14	to the Qualcomm platform only, so from that	10:23:20
15	perspective, the use of said word can be used also	10:23:22
16	in an OS-dependent sense.	10:23:26
17	MR. BASSETT: Q. Are you aware of any	10:23:30
18	other instances in the 2005 time frame or earlier	10:23:30
19	where the word "applet" was used to mean something	10:23:35
20	that was OS dependent?	10:23:39
21	A. Other than the Qualcomm case?	10:24:07
22	Q. Correct.	10:24:10
23	A. Well, in terms of what I've seen, I've	10:24:20
24	seen it used in the Qualcomm instance and otherwise	10:24:21
25	in the Java community but nothing beyond that, I	10:24:24

1	don't think.	10:24:27
2	Q. And in the Java community, "applet" means	10:24:28
3	something that is OS independent; correct?	10:24:33
4	MS. MAROULIS: Objection. Vague. Calls	10:24:35
5	for expert testimony.	10:24:36
6	THE WITNESS: Yes, speaking from an	10:25:01
7	engineer's perspective I do believe that to be the	10:25:03
8	sense in which Java employed it.	10:25:05
9	MR. BASSETT: Q. Sir, you will agree with	10:25:12
10	me that you were not the first to suggest using	10:25:13
11	applets for playing digital music files; correct?	10:25:16
12	MS. MAROULIS: Objection. Vague. Calls	10:25:19
13	for speculation.	10:25:21
14	THE WITNESS: Correct.	10:25:41
15	MR. BASSETT: Q. Prior to 2005, did you	10:25:44
16	investigate any features that may be on Yamaha	10:25:47
17	mobile phones?	10:25:56
18	MS. MAROULIS: Objection. Vague.	10:26:00
19	THE WITNESS: By that, do you mean	10:26:10
20	handsets as made by Yamaha?	10:26:13
21	MR. BASSETT: Q. Correct.	10:26:17
22	A. No, I don't know about that.	10:26:17
23	Q. Sir, do you own an Apple iPhone?	10:26:37
24	A. No, I don't.	10:26:44
25	Q. Does anyone in your family?	10:26:46

1	A. No, nobody.	10:26:50
2	Q. Do you think the iPhone uses your	10:26:53
3	invention?	10:26:54
4	MS. MAROULIS: Objection. Calls for	10:26:56
5	speculation. Legal conclusion. Expert testimony.	10:26:57
6	THE WITNESS: Well, never having used one,	10:27:26
7	I don't know that I'm going to be able to tell you	10:27:29
8	exactly what the case may be, but I don't think I'm	10:27:31
9	going to be able to tell you exactly.	10:27:34
10	MR. BASSETT: Q. Sir, do you own an Apple	10:27:36
11	iPad?	10:27:38
12	A. No, I don't.	10:27:42
13	Q. Have you ever used an Apple iPad?	10:27:43
14	A. No, I have not.	10:27:48
15	Q. Were you consulted by anybody at Samsung	10:27:55
16	prior to the '711 patent being asserted against	10:27:57
17	Apple in this litigation?	10:28:01
18	MS. MAROULIS: Objection. I'm going to	10:28:03
19	caution the witness to exclude any conversations	10:28:05
20	with counsel or anyone from the legal department.	10:28:08
21	MR. BASSETT: To correct that, though, my	10:28:12
22	question right now is a "yes" or "no" question. So	10:28:14
23	I believe I'm entitled to know whether or not he was	10:28:16
24	consulted even by legal counsel with a "yes" or	10:28:20
25	"no."	10:28:23

1	MS. MAROULIS: Objection. Vague. Calls	10:37:01
2	for a legal conclusion.	10:37:02
3	THE WITNESS: Again, speaking as an	10:37:38
4	engineer with respect to the actual use of Daemons	10:37:40
5	in, say, music playback -- background music	10:37:43
6	playback, if you will, sir, assume that or	10:37:48
7	understand that at a higher level there will reside	10:37:51
8	such things as the applications and the applets.	10:37:54
9	Well, those guys would be issuing commands vis-a-vis	10:37:56
10	the Daemons and were receiving back playback-related	10:38:01
11	information. They exchange information back and	10:38:05
12	forth. It includes all those.	10:38:09
13	MR. BASSETT: Q. Sir, in your	10:38:15
14	understanding as an engineer, is it possible to	10:38:16
15	generate music background play objects without using	10:38:19
16	applets?	10:38:23
17	MS. MAROULIS: Objection. Calls for an	10:38:24
18	incomplete hypothetical. Calls for speculation.	10:38:25
19	THE WITNESS: I don't believe I quite	10:38:52
20	understood the question.	10:38:53
21	MR. BASSETT: Q. If you could turn to	10:39:13
22	column 7 of your patent, Claim 1. And after the	10:39:14
23	introductory language, the first element reads	10:39:24
24	"Generating a music background play object wherein	10:39:28
25	the music background play object includes an	10:39:34

1	application module including at least one applet,"	10:39:37
2	closed quote.	10:39:41
3	And in understanding as an engineer, sir,	10:40:15
4	is it possible to generate a music background play	10:40:18
5	object with an application that does not include at	10:40:22
6	least one applet?	10:40:27
7	MS. MAROULIS: Objection. Calls for	10:40:29
8	speculation. Calls for expert testimony.	10:40:30
9	THE WITNESS: Speaking as an engineer, and	10:41:37
10	I will tell you that I understand your question to	10:41:41
11	be one asking if it is possible to have an	10:41:43
12	application without there being an applet, if that	10:41:46
13	is in fact the case, you will recall, sir, earlier	10:41:50
14	that I told you an applet is in reference to either	10:41:53
15	smaller functionalities, a smaller class, or a small	10:41:56
16	unit of applications. And when you ask if it's	10:42:00
17	possible not to have such, then depending on the	10:42:04
18	situation, you may not get to comprise the actual	10:42:07
19	application. That would be my understanding so far	10:42:10
20	and...	10:42:18
21	MS. MAROULIS: I think that's it.	10:42:19
22	MR. BASSETT: Q. So with that	10:42:25
23	understanding, is it possible to generate a music	10:42:26
24	background play object without including at least	10:42:31
25	one applet?	10:42:34

1	MS. MAROULIS: Objection. Calls for --	10:42:35
2	I'm sorry. Calls for expert testimony. Incomplete	10:42:37
3	hypothetical. Asked and answered.	10:42:40
4	THE WITNESS: Speaking again as an	10:43:24
5	engineer, in the absence of an applet -- an applet	10:43:25
6	being smaller functionalities, smaller classes,	10:43:29
7	smaller units of an application. In the absence of	10:43:32
8	such, you might not get to comprise an application.	10:43:36
9	MR. BASSETT: Q. I'm sorry, I want to	10:43:45
10	make sure I understand. Is the answer to my	10:43:48
11	question, then, "No"?	10:43:50
12	MS. MAROULIS: Objection. Asked and	10:43:54
13	answered. Incomplete hypothetical too.	10:43:54
14	THE WITNESS: Speaking as an engineer, if	10:44:15
15	we look at an applet as being a functionality, then	10:44:17
16	you could say that the answer is no.	10:44:21
17	MR. BASSETT: Q. So would you agree that	10:44:31
18	a mobile device that uses a separate designated	10:44:33
19	control processor for MP3 file play would not fall	10:44:36
20	within the scope of the invention that you described	10:44:40
21	in the '711 patent?	10:44:43
22	MS. MAROULIS: Objection. Calls for a	10:44:45
23	legal conclusion.	10:44:46
24	THE WITNESS: I wouldn't quite know how to	10:45:21
25	interpret things in that regard.	10:45:25

1	MR. BASSETT: Q. If I could direct your	10:45:46
2	attention to column 6, lines 55 through 61 of your	10:45:47
3	patent, would you agree with me that you excluded	10:45:52
4	from the description of your invention a device that	10:46:02
5	uses a separate music control processor?	10:46:06
6	MS. MAROULIS: Objection. Calls for a	10:46:10
7	legal conclusion.	10:46:12
8	THE WITNESS: Speaking as an engineer at	10:46:44
9	the time of my work on developing this, the aim was	10:46:45
10	in the use of -- the nonuse, rather, of an	10:46:48
11	independent chipset.	10:46:54
12	MR. BASSETT: Q. A nonindependent chipset	10:47:03
13	for music generation; correct?	10:47:06
14	MAIN INTERPRETER: Interjection by the	10:47:12
15	interpreter: Just so counsel is aware, the	10:47:13
16	interpreter said "nonuse of an independent chipset."	10:47:17
17	MR. BASSETT: Correct, I'm sorry.	10:47:22
18	MS. MAROULIS: You may want to rephrase	10:47:24
19	that question.	10:47:25
20	MR. BASSETT: Q. In the answer you just	10:47:27
21	gave previously, you meant that the aim was to	10:47:29
22	use -- I'm sorry. The aim was the nonuse of an	10:47:37
23	independent chipset for the generation of music;	10:47:42
24	correct.	10:47:45
25	(Discussion between the main interpreter	10:47:45