

Exhibit E

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
4

5 APPLE INC., a California
6 corporation,

7 Plaintiff,

8 vs.

CASE NO. 11-CV-01846-LHK

9 SAMSUNG ELECTRONICS CO., LTD.,
10 A Korean business entity;
11 SAMSUNG ELECTRONICS AMERICA,
12 INC., a New York corporation;
13 SAMSUNG TELECOMMUNICATIONS
14 AMERICA, LLC, a Delaware
15 limited liability company,

16 Defendants.
17 _____/

18 C O N F I D E N T I A L
19 A T T O R N E Y S ' E Y E S O N L Y
20 O U T S I D E C O U N S E L
21

22 VIDEOTAPED DEPOSITION OF RAVIN BALAKRISHNAN, Ph.D.
23 SAN FRANCISCO, CALIFORNIA
24 TUESDAY, AUGUST 16, 2011
25

26 BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CCRR, CLR
27 CSR LICENSE NO. 9830
28 JOB NO. 41176

1 MR. LIEN: Henry Lien, representing Samsung.

2 MR. BRIGGS: Todd Briggs, representing
3 Samsung.

4 MR. AHN: Matthew Ahn, of Morrison &
5 Foerster, on behalf of Apple.

6 THE VIDEOGRAPHER: Will the court reporter
7 please swear in the witness.

8
9 RAVIN BALAKRISHNAN, Ph.D.,
10 having been sworn as a witness,
11 by the Certified Shorthand Reporter,
12 testified as follows:

13
14
15 THE VIDEOGRAPHER: You may proceed.

16
17 EXAMINATION BY MR. JOHNSON

18 MR. JOHNSON: Good morning, Mr. Balakrishnan.

19 Q Have -- you've been deposed before?

20 A Yes, I have.

21 Q Okay. About how many times?

22 A About a half a dozen times, roughly.

23 Q I'll try to ask coherent questions, and if
24 you -- hopefully you'll provide some answers, and
25 if -- to the extent that you don't understand any of

1 that may exist out there or may not exist.

2 MR. JOHNSON: I'll show you what I've marked
3 as Exhibit 107, which is the Glimpse prior art that
4 was referenced in the reexamination prosecution
5 history.

6 (Document marked Balakrishnan Exhibit 107
7 for identification.)

8 MR. JOHNSON: Q. Have you read this, this
9 article?

10 A Yes, I have.

11 Q And this one you read carefully?

12 MR. MONACH: Object to the form.

13 THE WITNESS: This one I've read in some
14 detail, in -- in, actually, much more in detail way
15 back when it was written. I'm familiar with the
16 article from back in 2005.

17 MR. JOHNSON: Q. How come you're familiar
18 with it back then?

19 A It -- it's, first of all, an article that
20 appeared in a conference that I regularly attend, the
21 CHI Conference. Clifton Foreigns was a former Ph.D.
22 student of mine, and I think, at that time, he was a
23 Ph.D. student of mine, and I know the other authors,
24 so it's a work in my field that I'm generally familiar
25 with.

1 Q Okay. Do you believe this is the best prior
2 art against the '381 patent, or do you have an
3 opinion?

4 MR. MONACH: Objection; same objections as
5 previously stated -- previously stated; asked and
6 answered, multiple times.

7 THE WITNESS: So, as I said earlier, I have
8 not done any kind of analysis on validity or
9 invalidity. I have not formed an opinion in that
10 regard. This could be prior art that's relevant. I
11 have not studied it in view of determining validity or
12 invalidity relative to the '381 patent, so I don't
13 think I can answer that definitively either way right
14 now, but I reserve the right down the road, if the
15 time comes, to actually do that.

16 MR. JOHNSON: But you've reviewed it. You're
17 familiar with the article. You've obviously read the
18 '381 patent a bunch of times.

19 Q Can you tell me what limitations from the
20 '381 patent claims are missing in this particular
21 reference?

22 MR. MONACH: I'll object to the form of the
23 question; asking the witness to formulate an opinion
24 where he's said -- already testified multiple times he
25 hasn't done this work. Object; it asks for a legal

1 conclusion and is compound with respect to all of the
2 different limitations and elements.

3 But if you -- if you can, and -- and want to
4 do so and study it now and give some response, I'm not
5 going to instruct you not to do that.

6 THE WITNESS: So this is a -- I would say a
7 several-pages long article that covers some ground. I
8 have not done the comparison to every element of the
9 claims of the '381 patent, and it's not something I
10 want to do on the fly.

11 If -- I certainly don't want to do this live
12 in a deposition. I would have to spend the time and
13 carefully consider the -- the -- the article and what
14 it -- what it discloses, relative to each of the
15 embodiments -- sorry -- each of the elements of the
16 claims, and I -- I don't -- I simply cannot do that
17 right now.

18 (Document marked Balakrishnan Exhibit 108
19 for identification.)

20 MR. JOHNSON: Let me mark, as Exhibit 108,
21 the Zimmerman '387 patent.

22 Q You've seen that before; right?

23 Have you read the Zimmerman article -- I'm
24 sorry -- the Zimmerman patent?

25 A I have browsed through it, yes.

1 Q If you -- if you turn to page '311.

2 A And you mean by the Bates number here?

3 Q Yeah.

4 A Okay.

5 Q The first combination of prior art references
6 that Nokia asserted was grounds for rejection was
7 Glimpse, plus Inside and Out; right?

8 A That appears to be what is said in this --
9 this section of the document.

10 Q Now, if I ask you to look at the claim charts
11 that are on pages 18, 19, et cetera, of this
12 particular document, and I ask you whether the prior
13 art discloses certain claim elements that are
14 described here, are you gonna be able to tell me if
15 they're accurate or not?

16 A I don't think I can -- I'm sorry.

17 MR. MONACH: Object to the -- object to the
18 form of the question as calling for speculation and --
19 and vague.

20 THE WITNESS: If you're asking me can I,
21 based on each of these elements on the table in this
22 chart, whether whatever Nokia said here is accurate or
23 not, I don't think I can do that right now. I haven't
24 spent the time, and I think it's gonna take a
25 considerable amount of time to very carefully look at

1 each of these allegations and correspond it to the
2 article in question and to the claim in question and
3 make that determination.

4 I have not done that, and I certainly don't
5 think I can do that on the fly here. It would take
6 certainly much more time than we have today.

7 MR. JOHNSON: Do you know whether -- did
8 the -- strike that.

9 Q Did the examiner find that Glimpse disclosed
10 pan and zoom navigation using the touch input?

11 MR. MONACH: Objection; lack of foundation.

12 Under the best evidence rule, whatever the
13 examiner found is the best evidence of what he found.

14 THE WITNESS: I'm not sure I completely
15 understood that objection.

16 MR. JOHNSON: Yeah.

17 MR. MONACH: It's basically saying the
18 document speaks for itself. The examiner did or
19 didn't do something and whether you have an opinion on
20 it doesn't change that in the slightest.

21 MR. JOHNSON: That's -- that's an objection I
22 haven't heard at a deposition in a patent case before,
23 but go ahead.

24 THE WITNESS: Can I have the question read
25 back to me, if you don't mind.

1 MR. JOHNSON: Q. Did the examiner find that
2 Glimpse disclosed pan and zoom navigation using touch
3 input?

4 MR. MONACH: Objection; best evidence rule.
5 Objection; lack of foundation.

6 THE WITNESS: I don't recall exactly what the
7 examiner found. I know, in its entirety, the examiner
8 did not find that this prior art invalidated the
9 patent claims.

10 So the particular -- particular elements of
11 the claims and particular elements of the Glimpse
12 article that the examiner may or may not have found to
13 match up, but I'd have to study that in great detail
14 before I -- or at least in some detail before I
15 determine what he found or what he didn't find.

16 MR. JOHNSON: Q. Based on your familiarity
17 with the Glimpse work, can the user preview results of
18 a movement by using a light touch, and then when the
19 user lifts his finger, the movement can be undone?

20 MR. MONACH: Object to the form of the
21 questions.

22 THE WITNESS: Going by memory, I -- I would
23 have to study the article again carefully to match it
24 up with your particular question there, but going from
25 memory, the thrust of that article was to -- to enable

1 glimpsing or previewing some other part of the -- of
2 the document space or the space of multiple documents.
3 The specifics of it, I would have to study in detail
4 in any kind of validity or invalidity contention.

5 MR. JOHNSON: Q. Based on your familiarity,
6 did Glimpse describe going beyond the edge of an
7 electronic document?

8 MR. MONACH: Object to the form of the
9 question. Objection; best evidence rule.

10 THE WITNESS: I would have to study the
11 article again in detail to see if it matches up with
12 the way the edge of an electronic document is used in
13 the claims of the '381 patent.

14 MR. JOHNSON: Q. So you don't know?

15 MR. MONACH: Same objection.

16 THE WITNESS: As I said, I can't answer that
17 question right off. Well, from memory here, I
18 wouldn't be able to tell you either way.

19 MR. JOHNSON: Q. If I -- if I ask you about
20 whether the statements that are made in the request
21 for reexamination that appear on page '294 through
22 '344 --

23 A This is the Bates numbering again?

24 Q -- and whether those are accurate statements,
25 are you able to answer those questions?

CERTIFICATE OF REPORTER

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I, ANDREA M. IGNACIO HOWARD, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth, and nothing but the truth in the within-entitled cause;

That said deposition was taken in shorthand by me, a Certified Shorthand Reporter of the State of California, and was thereafter transcribed into typewriting, and that the foregoing transcript constitutes a full, true and correct report of said deposition and of the proceedings which took place;

That I am a disinterested person to the said action.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of August, 2011.

ANDREA M. IGNACIO HOWARD, RPR, CCRR, CLR, CSR No. 9830