

EXHIBIT 8

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

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

VIDEOTAPED DEPOSITION OF OWEN KWON
Los Angeles, California
Wednesday, February 29, 2012

Reported by:
Melissa M. Villagran, RPR, CLR
CSR No. 12543

Job No. 137092

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1 Q And if there are any other documents that
2 you believe or come to your mind during the course
3 of the deposition that you believe would assist you,
4 would you just point them out to me at that time?

5 A I will. 11:17AM

6 Q And your attorney may state objections to
7 my questions. Do you understand that you still have
8 to answer my questions unless your attorney
9 specifically instructs you not to answer?

10 A I do. 11:17AM

11 Q And when I ask a question, please give your
12 attorney enough time to object if he or she chooses
13 to do so.

14 A I will.

15 Q Is there any reason why you can't give your 11:17AM
16 most accurate and truthful testimony today?

17 A No.

18 Q And you understand that, when you answer a
19 question, if you're not entirely sure, I'm still
20 entitled to your best estimate. 11:17AM

21 A I understand.

22 Q Are you represented by counsel today, sir?

23 A What does it mean?

24 Q Do you have a lawyer representing you in
25 this deposition? 11:18AM

1 A Yes.

2 Q And who is your attorney representing you?

3 A Her name is Soo Ah Hong.

4 Q And where are you currently employed?

5 A I'm hired by iRiver, Inc., which is U.S. 11:18AM
6 division of iRiver, Limited.

7 Q How long have you been employed at iRiver,
8 Inc.?

9 A For the past four years.

10 Q And what is your position there? 11:18AM

11 A My current position is general manager of
12 business development.

13 Q And in what year did you assume that
14 position?

15 A I was promoted about three years ago. 11:18AM

16 Q And what position did you previously hold
17 at iRiver?

18 A I was senior manager of business
19 development.

20 Q In what year did you become senior manager 11:18AM
21 of business development?

22 A When I was hired in 2007.

23 Q And could you tell me what other companies
24 you worked for previously.

25 A I've worked for iRiver America before I 11:19AM

1 come to iRiver, Inc., and before iRiver America, I
2 used to work for two different Korean companies in
3 Seoul, Korea.

4 Q And when did you begin working at iRiver
5 America? 11:19AM

6 A I started in 2005.

7 Q And what was your position at iRiver
8 America?

9 A I was supply chain manager.

10 Q And what is the relationship between iRiver 11:19AM
11 America and iRiver, Inc.?

12 A iRiver America was the previous company
13 that had distributorship of iRiver-branded products
14 in U.S. market, and they stopped their business in
15 2007. 11:19AM

16 Q And so you began working at iRiver America
17 in which year?

18 A In 2005.

19 Q And then you transitioned from iRiver
20 America to iRiver, Inc.? 11:19AM

21 A It happened in 2007.

22 Q If you could open your binder to the first
23 tab and take a moment to review the document.

24 Have you seen this document before?

25 A Yes, I have. 11:20AM

1 Q And you understand this is a subpoena to
2 testify in a civil action?

3 A I do.

4 Q And you understand that you are appearing
5 at this deposition at the request of Samsung in 11:20AM
6 relation to the case named on the first page?

7 A I do.

8 Q Have you reviewed the deposition topics in
9 Attachment A of this document?

10 A I have. 11:20AM

11 Q And if you could just turn to Tab 2 in your
12 materials. Or actually just to go back for a
13 second.

14 MR. GOLDBERG: If we could mark the
15 previous document in Tab 1 as Exhibit 1. 11:21AM

16 (Exhibit 1 was marked for
17 identification by the deposition
18 officer and is attached hereto.)

19 MR. GOLDBERG: And then if we could turn to
20 Tab 2 and mark this as Exhibit 2. 11:21AM

21 (Exhibit 2 was marked for
22 identification by the deposition
23 officer and is attached hereto.)

24 BY MR. GOLDBERG:

25 Q And sir, have you seen this document 11:21AM

1 brand and Reigncom.

2 Q Was anyone else from iRiver involved in the
3 design of the U10?

4 A Not that I know of.

5 Q If we turn the page and look at Figure 1 of 11:43AM
6 the design patent, could you tell me what angle of
7 the U10 this displays whereas depicted in this
8 image.

9 A This is about 45-degree away from the
10 center of the front. 11:44AM

11 Q And if we turn the page to Figure 2, does
12 this image show the design of the U10 from the
13 front?

14 A Yes.

15 Q And if you look now at Figure 3, does this 11:44AM
16 image show the design of the iRiver U10 from the
17 back?

18 A Yes.

19 Q And if we turn the page to Figure 4, does
20 this design show -- or does this image show the 11:44AM
21 design of the iRiver U10 from the side with the
22 earphone jack?

23 A Yes.

24 Q And if we turn the page to look at
25 Figure 5, does the image in this figure show the 11:44AM

1 design of the iRiver U10 from the side with the
2 volume control buttons on it?

3 A Yes. Actually, this isn't the volume.
4 This is the power and the screen orientation button.

5 Q So Figure 5 shows the iRiver U10 from the 11:45AM
6 side with the power button and the screen toggle
7 orientation button?

8 A Yes.

9 Q If we look now at Figure 6, does this image
10 show the iRiver U10 from the side containing the 11:45AM
11 volume control buttons?

12 A That's right.

13 Q And if you look at Figure 7, does this show
14 the bottom of the iRiver U10, or does this image
15 show the bottom of the iRiver U10 with the USB port? 11:45AM

16 A Yes.

17 Q And if you look at Figure 8, could you
18 describe the depiction of the device in Figure 8.

19 A Yes. This is again another front view of
20 the device from 45 degrees angle. 11:46AM

21 Q When was the iRiver U10 first offered for
22 sale in the United States?

23 A 2005.

24 Q Are you aware of a month in 2005 when the
25 iRiver U10 was first on sale? 11:46AM

1 A I believe iRiver started to sell the U10
2 device from 4th quarter of 2005.

3 Q And when was the iRiver U10 first disclosed
4 to the public in the United States?

5 A It was 4th quarter of 2005, but we made the 11:46AM
6 public official announcement during the CES show in
7 2006, which is around starting week of January in
8 2006.

9 Q So it's your testimony that the iRiver U10
10 was first announced in January of 2006? 11:47AM

11 A Yes.

12 Q But it's your testimony that it was on sale
13 earlier than that in 2005?

14 A Yes.

15 Q And when was the Clix first offered for 11:47AM
16 sale in the United States?

17 A I believe it was -- it started from the 1st
18 quarter of 2006.

19 Q And when was the Clix first disclosed to
20 the public in the United States? 11:47AM

21 A At the same time. 1st quarter of 2006.

22 Q And you testified that the iRiver U10 was
23 disclosed at a CES show; is that correct?

24 A No. We didn't make an announcement of
25 Clix. In 2006, January, we made an announcement of 11:48AM

1 U10, which is the same device.

2 Q And so you announced 6 the U10 device at
3 the CES show, correct?

4 A Yes.

5 Q And that show was in January of 2006? 11:48AM

6 A Yes.

7 Q And what is the CES show?

8 A Consumer Electronics Show, which is being
9 held every year in Las Vegas every first or second
10 week of every year. 11:48AM

11 Q Is this a convention?

12 A Yes, it is.

13 Q And who attends this convention?

14 A Lots of different companies that is
15 involved in consumer electronics including computers 11:48AM
16 and softwares.

17 Q Do consumers attend this convention?

18 A Yes.

19 Q And representatives from different
20 businesses in the technology industry attended as 11:48AM
21 well; is that correct?

22 A Yes, that's correct.

23 Q We could turn now to Tab 4.

24 MR. GOLDBERG: If we could mark this as
25 Exhibit 6 -- Exhibit 7, rather. 11:49AM