

EXHIBIT 9

1 RICARDO VILAS BOAS

2 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

3 IN THE UNITED STATES INTERNATIONAL TRADE COMMISSION

4 WASHINGTON D.C

6 Investigation No. 337-TA-796

7 In the Matter of Certain

8 Electronic Digital Media

9 Devices and Components Thereof

10 - - - - -

12 DEPOSITION OF RICARDO VILAS BOAS

13 Friday 16 March 2012

14 At: 2:00 pm

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2 from that date alone. Because Samsung has waited so
3 long to notice this deposition, Samsung can't comply
4 with Judge Pender's ground rule within the discovery
5 period. Fifteen business days from service of Mr.
6 Vilas' deposition notice on Apple and Mr. Lucas is
7 April 3, 2012. Therefore, Mr. Vilas Boas' deposition,
8 if adequate notice had been given, in compliance with
9 Judge Pender's ground rules, would be out of time.
10 Therefore, while Apple is represented at this
11 deposition there has been no adequate time on behalf
12 of Apple to prepare for this deposition. No attorney
13 familiar with the case was available at such short
14 notice to attend, and that is to the clear prejudice
15 of Apple. Apple therefore objects to this deposition
16 taking place at all and reserves its rights
17 accordingly.

18 MR. ZELLER: I am sure, as you are aware, Samsung
19 disagrees with that, and also believes any objection
20 at this point has now been waived to the notice. Also
21 I will note that this is the first time that it has
22 been stated by Apple that there was unavailability by
23 its counsel for this deposition and, in fact,
24 previously it was quite clear from the written
25 correspondence that Apple in fact did have people

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2 available for this, but I am not going to obviously
3 use up the witness' time at this juncture, since I
4 think both parties have made their positions clear on
5 this.

6 MR. OWENS: I would just like to confirm that by
7 attendance Apple does not waive its objection to this
8 deposition taking place.

9 MR. ZELLER: Good afternoon.

10 A Good afternoon.

11 Q If you can please tell us your full name
12 for the record.

13 A My full name, Ricardo Vilas Boas.

14 Q Where do you currently reside?

15 A I reside in Queen's Park, London.

16 Q How long have you lived here in London?

17 A Approximately four years.

18 Q Are you currently employed?

19 A No, I am freelancing at the moment.

20 Q And you are freelancing as what?

21 A As an industrial designer.

22 Q Have you worked previously in the area
23 of industrial design?

24 A Yes, I have.

25 Q Maybe if we can start with your

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2 educational background. If you can please tell me
3 briefly what your educational background is?

4 A I took a BA, kind of four year degree,
5 in Portugal in product design. Then I did some work
6 as an industrial designer in Portugal. In 2008 I
7 moved to London and started my Masters degree in
8 industrial design with Central St Martins, which I
9 finished in 2010. After that I had other work for Tom
10 Dixon as an industrial designer as well.

11 Q You mentioned that you received a BA
12 degree in industrial design?

13 A Yes.

14 Q What year was that?

15 A I finished in 2004.

16 Q What institution or school did you
17 obtain that from?

18 A It is ESAD, which is Escola Superior De
19 Arte E Design. It is normally known by ESAD, and it
20 is located in Matosinhos, which is in the region of
21 Porto.

22 Q I think you said that you got a degree
23 there in 2004?

24 A Yes.

25 Q When did you start?

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2 A I started in -- sorry, I think because I
3 had -- I started in 1999 or 2000, because I did a year
4 of architecture as well before, and then decided to
5 change. I can't recall the exact starting date. I
6 think it was 99.

7 Q Then you mentioned that you started
8 working on your Masters in 2008?

9 A Yes.

10 Q And that was a Masters in industrial
11 design that you obtained?

12 A Yes.

13 Q And then please tell us, generally
14 speaking, what did you do between the time you
15 obtained your BA and the time you started working on
16 your Masters?

17 A I worked for a consultancy in Portugal
18 for six months. After that I worked as an industrial
19 and interior designer. After that I worked for a
20 Portugese motorbike company, helping to develop a
21 motorbike that is now on the market, and components.

22 I started kind of a small workshop company
23 of furniture design with a friend, doing bespoke
24 furniture for family and friends. After that I
25 started my -- I decided to move to London and started

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2 my MA.

3 Q I think you mentioned that there was one
4 organization or company you worked for that was Dixon?

5 A Tom Dixon, yes. I finished my
6 internship, December 2011. It is lighting, it does
7 lights and interior design, furniture design.

8 Q Were you doing design work for that
9 company?

10 A Yes.

11 Q Let's please mark as Exhibit 1 a two
12 page document bearing Bates numbers SAMNDCA00326381
13 through 382.

14 (Exhibit 1 marked for identification)

15 If you can please take a look at Exhibit 1
16 and let us know if this is something that you have
17 seen before.

18 A Yes, it is.

19 Q What do you recognize Exhibit 1 as?

20 A These are two boards from a competition
21 about a mobile phone that I designed in 2004.

22 Q You mentioned from a competition. What
23 competition are you referring to?

24 A Yes, it was while I was doing my BA, the
25 school entered with other schools of design in

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2 Portugal entered a Nokia competition. The brief was
3 the fourth generation mobile phone, so what would the
4 mobile phone of the future be.

5 Q This was a company that was sponsored by
6 Nokia in some way?

7 A Yes.

8 Q What was your understanding in that
9 regard?

10 A Sorry?

11 Q Was it your understanding that it was
12 sponsored by Nokia?

13 A Yes, it was sponsored by Nokia, yes.

14 Q If I understood you correctly, Exhibit 1
15 are the boards that you submitted in connection with
16 that competition?

17 A Yes, they are.

18 Q In what year did you actually enter
19 these boards in the Nokia design contest or
20 competition?

21 A 2004, beginning of 2004.

22 Q And then was there some kind of award or
23 recognition that you received in the competition?

24 A Yes, I placed second place.

25 Q And then focusing your attention on

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2 these boards that are marked as Exhibit 1, were these
3 made publicly available in some way back in that time
4 period?

5 A They were published on a website on the
6 internet, yes.

7 Q Who was it that sponsored or ran that
8 website?

9 A I believe it was Nokia, so it was as far
10 as I can recall, it had a link on Nokia Portugal
11 website that would take you to this website or you
12 could access it just by browsing the web and
13 searching.

14 Q And then were the images that are shown
15 here in Exhibit 1 actually displayed on that Nokia
16 website?

17 A Yes, the website had -- so the people
18 that got the prize of first, second, third position,
19 plus a few other designs that they chose to display on
20 the websites with the names, so I believe you could
21 click on the names and access -- after you click on
22 the names you could see the boards each person applied
23 to the competition.

24 Q Did you yourself actually see the boards
25 that we have marked as Exhibit 1 on the Nokia website

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2 back in the 2004 timeframe?

3 A Yes, I did.

4 Q And where were you when you accessed the
5 Nokia website back in that time period, 2004?

6 A In 2004, I was in Portugal.

7 Q And then were there times subsequent to
8 2004 as well when you accessed the Nokia website, and
9 I am saying you personally, and saw these boards that
10 we have marked as Exhibit 1 displayed on the Nokia
11 website?

12 MR. OWENS: Objection, leading question.

13 MR. ZELLER: You can go ahead.

14 A I remember showing it to a colleague of
15 mine in 2010, a colleague from the Masters degree, I
16 remember showing the entries of the website.

17 Q Where were you located in 2010 when you
18 accessed the website?

19 A At my house in London.

20 Q Were there time periods between first in
21 2004 and then as recently as 2010 where you saw the
22 website as well with your boards?

23 A I can't completely recall I am afraid.

24 Q What I would like to do is ask you about
25 some of the features or aspects of the electronic

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2 device design that you came up with back in 2004. Was
3 the overall shape of that device rectangular?

4 A Yes.

5 MR. OWENS: Objection, leading.

6 MR. ZELLER: What shape would you describe it as?

7 A Yes, it was rectangular with rounded
8 edges, simple design.

9 Q Do these boards show what the profile of
10 the design was?

11 A Yes, on the second page you can see on
12 the bottom right corner there is profile view of the
13 mobile phone, and a front view as well.

14 Q How would you describe that profile
15 shape?

16 A It is a thin profile with flat surface
17 front and back.

18 Q With respect to this design that you had
19 created and was published back in 2004, were there any
20 physical buttons or keys on the front surface?

21 A No, there were not.

22 Q Was the display screen there on the
23 front of the device symmetrically placed?

24 A Yes.

25 Q Focusing your attention on the front

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2 surface of the electronic device design that you came
3 up with back in 2004, and was published in 2004, was
4 that a flat, continuous and smooth surface?

5 A Yes.

6 Q Was it a surface that was there on the
7 front that was covered by clear glass that ran from
8 edge to edge?

9 A Yes, it was for touch screens, so it had
10 to have a glass cover.

11 Q Are there particular images shown here
12 in Exhibit 1 that reflect the fact that the front face
13 of the device was entirely flat?

14 A I think on the second page, again the
15 side view, you can see that there is no curvature or
16 anything, so it is quite flat. I think that is the
17 best point to explain.

18 Q And in that side profile image that you
19 have been referring to on the second page, that was
20 something that was made available through that
21 website, the Nokia website back in 2004?

22 A Yes, these exact two boards were shown,
23 were displayed on the website.

24 Q Maybe I should try it this way. Was one
25 of the colors that you had envisioned for your design

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2 back in that time period of 2004 black?

3 MR. OWENS: Objection, leading.

4 A The idea was that the mobile phone would
5 come in a black color, so that would be when you
6 turned off the mobile phone out of the box would be in
7 a black color, and then you could customize it to have
8 different colors, so it would emit different colors if
9 you wished to, but the main color of the display would
10 be black.

11 Q What was the color of this electronic
12 device design that you came up with as its default
13 color?

14 A Black.

15 Q And when this electronic device was
16 turned off, was it black and reflective in appearance?

17 MR. OWENS: Objection, leading.

18 A Yes, it was.

19 Q Directing your attention to Exhibit 1,
20 there appear in these images to be different
21 configurations of buttons on the front surface?

22 A They are not exactly buttons, as it had
23 no physical buttons, so it is just -- so everything
24 was touch screen and you could customize it so the
25 image would look as you would like it to look.

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2 Q So the buttons reflected here in Exhibit
3 1 were touch screen buttons?

4 A Touch screen, yes, not physical buttons.

5 Q Was there any kind of relationship
6 between the fact that the interface was to be through
7 a touch screen display and the fact that it didn't
8 have any physical keys on the front face?

9 A I mean, for you to -- for better
10 interaction between the user and the touch screen, I
11 decided to go for simple design, quite flat surface,
12 so everything is easy to access. Plus at that time,
13 as you can see here, I envisioned that you would be
14 able to see movies or films, things like that. So
15 that would need again a very simple design so you
16 could see a movie as a full screen. Also the fact
17 that if you used any kind of buttons it would limit
18 the ability to customize the mobile phone.

19 Q When you have been using this word
20 "customize the mobile phone", are you talking about
21 customizing it through the display screen as the
22 interface?

23 A Yes.

24 MR. OWENS: Objection, leading.

25 Q You have also used in your answers the

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2 phrase "simple design"?

3 A Yes.

4 Q Was there some kind of advantage from
5 your perspective or some kind of relationship between
6 having a simple design and then having a display
7 screen re the interface for the phone?

8 MR. OWENS: Objection, compound.

9 MR. ZELLER: You can answer.

10 A Eventually I lost -- is it possible to
11 repeat the question?

12 Q I will just rephrase the question. That
13 is quite all right. Just so it is clear, from time to
14 time attorneys may object to the question but you
15 should still unless you are being instructed not to
16 answer, still go ahead and answer.

17 Was there any kind of relationship between
18 having this simple design that you are mentioning and
19 the fact that the interface for the phone was through
20 a display screen?

21 A I am not sure what you are asking but
22 ...

23 Q Did you see any kind of advantage in
24 having what you are referring to as a simple type
25 design and in having the display screen?

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2 MR. OWENS: Objection, compound.

3 MR. ZELLER: I think I got interrupted there.

4 What I am trying to find out, so the record is clear,
5 this objection went over my question.

6 What I am trying to find out is were there
7 any advantages to having a simple design, from your
8 perspective, in relationship to having the display
9 screen as the principal interface?

10 A I mean, kind of yes, it would, it is,
11 you know, it is easier for the interaction itself, so
12 the more buttons you have, you are cluttering the
13 design. So making it simple will inevitably lead to
14 easier interface and an easier way to physically
15 interact with the design or with the mobile phone. So
16 that is why I chose the very simple design, neutral,
17 so people would interact with it.

18 Q Were there any kind of physical elements
19 at all on the front surface of your design?

20 A There are just a microphone and then ear
21 phone slots, but besides that there is a Nokia logo,
22 but that is not -- it is printed beneath the glass so
23 there is no physical -- how can I say -- the Nokia
24 logo, there is no physical relevance to it because it
25 is just a print behind. Besides the microphone and

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2 the ear phone, there is no physical aspect, any other
3 physical, relevant thing on the front of the mobile
4 phone or the display.

5 Q To make sure I understand, the Nokia
6 name or logo there on the front, shown here on your
7 design, was a virtual logo?

8 A Yes.

9 Q That is actually on the display screen?

10 A Yes, that was the idea, you know,
11 something that would be emitted.

12 Q Also, if I understood you correctly
13 then, the only physical elements on the front surface
14 were the microphone and speaker holes?

15 A Yes.

16 Q Did your design back from the 2004 time
17 period have a bezel?

18 A Yes. Again, on the side view, you can
19 see that it is rounded, so it is bezeled. You can see
20 it on the top that it is slightly bezeled. It is
21 symmetrical all the way.

22 Q Symmetrical?

23 A Throughout the site of the object.

24 MR. ZELLER: That is all I have for you. Thank
25 you. Why don't we take a minute and switch sides, if

EXHIBIT

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3.16.12 AW

PENGAD 800-631-6989

TOUCH AND CREATE. NOKIA FINGERPRINT



MONOLITH



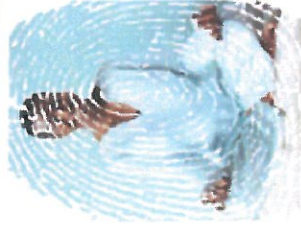
OCEAN



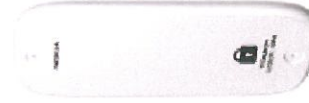
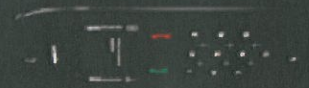
BUBBLEGUM



LEMON



CHILL



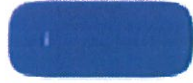
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TOUCH AND CREATE.

NOKIA FINGERPRINT



MONOLITH



OCEAN



BUBBLEGUM



LEMON



CHILL



MOOD BLOQUEADO



MOOD CHAMADA



MOOD SMS



MOOD MENUS



MOOD CINEMA

CARACTERÍSTICAS :

- 1 INTERFACE TOTALMENTE PERSONALIZÁVEL
- 1 ÁREA TOTAL SENSÍVEL AO TOQUE
- 1 ÁREA TOTAL DE ECRÃ
- 1 BLOQUEIO POR IMPRESSÃO DIGITAL
- 1 CÁMERA RETRÁCTIL
- 1 CÔR DE BASE PERSONALIZADA

INFORMAÇÕES TECNOLÓGICAS RELEVANTES :

- SUPERFÍCIE SENSÍVEL AO TOQUE
- RECONHECIMENTO POR IMPRESSÃO DIGITAL
- SUPERFÍCIE COM AUTOPOLARIZAÇÃO
- WIRELESS BODYS & BLUETOOTH
- PROJECTION KEYBOARD
- CARREGAMENTO DE BATERIA MAGNETIC WIRELESS



8.1 MB

8.0 MP

62.0 MP



103.0 MP