

Exhibit D

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

APPLE INC., a California)
5 Corporation,)
6)
Plaintiff,)

7 v.)

No: 11-CV-01846-LHK

8 SAMSUNG ELECTRONICS CO., LTD,)
a Korean business entity;)
9 SAMSUNG ELECTRONICS AMERICA,)
INC., a New York corporation;)
10 SAMSUNG TELECOMMUNICATIONS)
AMERICA, LLC, a Delaware)
11 Limited liability company)
12 Defendants.)

13
14 * H I G H L Y C O N F I D E N T I A L *

15 * ATTORNEYS' EYES ONLY - PURSUANT TO PROTECTIVE ORDER*

16 VIDEOTAPED DEPOSITION OF
17 HENRY A. URBACH
18 New York, New York
19 Thursday, April 19, 2012
20

21
22
23
24 Reported by:
ANNETTE ARLEQUIN, CCR, RPR, CLR
25 JOB NO. 48724

1 H. Urbach - Highly Confidential - Attorneys Eyes Only

2 THE VIDEOGRAPHER: This is the tape
3 labeled No. 1 of the videotaped deposition
4 of Henry Urbach in the matter of Apple Inc.
5 versus Samsung Electronics Company Limited. 10:07AM

6 We are now going on the record. The
7 time is 10:07 a.m.

8 Counsel will state their appearances
9 for the record.

10 MR. ARNOLD: I'm Brett Arnold from 10:07AM
11 Quinn Emanuel for Samsung.

12 MS. HAGBERG: Karen Hagberg, Morrison
13 & Foerster, for Apple.

14 THE VIDEOGRAPHER: Will the court
15 reporter please swear in the witness. 10:07AM

16 * * *

17 H E N R Y U R B A C H, called as a
18 witness, having been duly sworn by a
19 Notary Public, was examined and testified
20 as follows: 10:08AM

21 EXAMINATION BY

22 MR. ARNOLD:

23 Q. Good morning.

24 A. Good morning.

25 Q. Thank you for coming. 10:08AM

1 H. Urbach - Highly Confidential - Attorneys Eyes Only
2 the question and have given your best testimony.

3 Is that fair?

4 A. Yes.

5 Q. Is there anything you know of that 10:09AM
6 might prevent you from giving your best
7 testimony today?

8 A. No.

9 Q. If you need a break at any time, just
10 let me know, the one exception being if I've 10:09AM
11 asked a question that you haven't answered yet.

12 Is that fair?

13 A. Yes.

14 Q. And what is your home address?

15 A. 806 Ponus Ridge Road, New Canaan, 10:09AM
16 Connecticut, 06840.

17 Q. And do you have a business address as
18 well?

19 A. I do. The Glass House, 199 Elm
20 Street, New Canaan, Connecticut, 06840. 10:09AM

21 Q. And Mr. Urbach, what is the highest
22 level of education that you've reached?

23 A. I have two master's degrees.

24 Q. And where did you get those master's
25 degrees from? 10:09AM

1 H. Urbach - Highly Confidential - Attorneys Eyes Only

2 A. My first is a master of architecture
3 from Columbia University in 1990.

4 My second is a master of arts in
5 history and theory of architecture from 10:10AM
6 Princeton, 1995.

7 Q. Okay. So let me ask you first about
8 the Princeton master of arts.

9 How long did you attend Princeton for
10 that degree? 10:10AM

11 A. For that degree, three years.

12 Q. Three years.

13 And you said it was a master of arts
14 in history and theory of architecture.

15 A. Correct. 10:10AM

16 Q. What type of coursework did you take
17 for that program?

18 A. There were seminars related to
19 history and theory of architecture. There was a
20 yearlong seminar on the idea of representation, 10:10AM
21 which I think formed some of the intellectual
22 basis of my report.

23 Q. And when you say the idea of
24 representation, is that in the context of
25 architecture? 10:10AM

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2 A. It's in the context of things that we
3 make, culture, which is to say that things
4 represent ideas, values. They re-present the
5 ideas and values that inform them. It's a way 10:11AM
6 of reading objects.

7 Q. Okay. So just to be -- maybe I'm new
8 to the subject. It would include architectural
9 objects, buildings, et cetera, as well as
10 smaller objects that might fit inside this room, 10:11AM
11 for instance?

12 A. Very much so. From buildings to
13 furniture, to urban spaces, to products. It's a
14 theoretical framework that allows one to
15 interpret objects of any scale in this way. 10:11AM

16 Q. And did you focus on any particular
17 type of objects in that seminar?

18 A. In that seminar we were primarily
19 looking at architectural spaces, but not only.

20 Q. But primarily architectural spaces. 10:12AM
21 When you say architectural spaces, do you mean
22 interior spaces?

23 A. Interior, exterior, urban. Again,
24 the specificity of the object isn't what's at
25 stake as much as the framework used to 10:12AM

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2 interpret.

3 Q. Was there a particular framework that
4 you studied, particular framework of
5 interpretation that you studied?

10:12AM

6 A. I don't understand the question.

7 Q. I'm sorry. You just mentioned that
8 it wasn't so much the object, what was at stake,
9 as much as the framework used to interpret it.

10 And I was just wondering if there was a

10:12AM

11 particular framework of interpretation that you
12 were taught or --

13 A. Well, in theoretical and historical
14 work, you have an object of study and you have a
15 method of analysis, and this idea of

10:13AM

16 representation or re-presenting concepts through
17 forms is the framework that I studied, not only
18 in that seminar, but also as an undergraduate
19 and in subsequent work.

20 Q. Can you think of any examples of
21 concepts that were represented through forms
22 that you studied in that seminar?

10:13AM

23 A. Power is the classic one. One can,
24 for example, look at monumental architectural
25 form to understand the effects of power, but one

10:13AM

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2 can also look at other kinds of objects to
3 understand the presence of different values,
4 even radically different values.

5 Q. Do you have any examples of different 10:14AM
6 values?

7 A. Yes. They're innumerable. There is
8 as many as there are objects in the world.

9 Q. Just as a for instance -- I'm new to
10 the subject so I'm just interested to know what 10:14AM
11 types of values you were studying. If you have
12 maybe just a few examples, that would be
13 helpful.

14 A. I did some research on advertising
15 light in Paris between 1925 and '37, which is to 10:14AM
16 say the introduction of neon and electrical
17 signage into a metropolis, and I was interested
18 in the way that these lights, advertising signs,
19 for example, were typically described as
20 feminine. People would talk about Paris in 10:14AM
21 those days as an aging starlet who wore too much
22 make-up, for example.

23 And my interpretation of that
24 discursive condition was to say that there was
25 actually a larger instability about gender, 10:15AM

1 H. Urbach - Highly Confidential - Attorneys Eyes Only
2 about the relationship of men and women in the
3 Post World War I period that was being displaced
4 onto a discussion of urban form.

5 Q. Interesting. So there was sort of a 10:15AM
6 metanarrative going on that was transferring
7 from cultural happenings to the forms you were
8 studying?

9 A. I'm not sure what you mean by
10 metanarrative, but what I'm talking about is a 10:15AM
11 framework for interpreting cultural artifacts.

12 Q. Okay. Moving on from that, did you
13 study anything else during your time at
14 Princeton?

15 A. Yes. 10:15AM

16 Q. And what was that?

17 A. My other coursework. There was
18 coursework on concept of privacy and publicity.
19 There was coursework on landscape architecture,
20 gardens. 10:16AM

21 Much of the work was independent
22 actually, and so, for example, the project I was
23 describing on nocturnal light was central to
24 what I studied.

25 Q. Anything else you can remember? 10:16AM

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2 A. From that particular program?

3 Q. Yes.

4 A. You know, it's quite some time ago,

5 so I could certainly fill in the record with a 10:16AM

6 complete list of coursework, but it's not what's

7 at the forefront of my mind right now.

8 Q. Sure. And that's fine.

9 And just as a general matter, I

10 wouldn't want you to speculate if you can't 10:16AM

11 remember something.

12 So let's move on to your time at

13 Columbia University. And you said you graduated

14 there with a master's in architecture in 1990;

15 is that correct? 10:17AM

16 A. Correct.

17 Q. And how long did you attend Columbia

18 University?

19 A. Three years.

20 Q. Three years as well. 10:17AM

21 And what did you study while you were

22 there?

23 A. That is a professional degree which

24 combines design studio work, which is the

25 primary basis of that program, so a tremendous 10:17AM

1 H. Urbach - Highly Confidential - Attorneys Eyes Only
2 amount of time designing objects, buildings,
3 spaces, as well as other courses related to
4 drawing, history and theory, technology.

5 Those were the major areas. 10:17AM

6 Q. And you mentioned that you spent a
7 tremendous amount of time designing objects.
8 Can you remember any objects that you designed
9 at that time?

10 A. Well, we were always making models 10:18AM

11 and drawings, which are themselves objects.
12 Again, for specifics of something that is now
13 15 years ago, I would need to get back to you.

14 Q. So nothing comes to mind, no specific
15 object comes to mind, I take it? 10:18AM

16 A. There was a housing studio that
17 involved designing elements related to housing
18 at all scales, from the housing block to the
19 building, to interior spaces and elements of the
20 interior. 10:18AM

21 There was a music school on the
22 Palisades.

23 My thesis project was a series of
24 urban objects for what was then the divided
25 center of Berlin. 10:19AM

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2 Those are among them.

3 Q. It sounds like the models then were

4 related to a small-scale version of a larger

5 building you might be planning or --

10:19AM

6 A. That's correct.

7 Q. -- conceiving of.

8 Was that the case with all the

9 objects you were making at that time?

10 A. Largely, yes. My training is in

10:19AM

11 architecture, not in product or object design,

12 which I think is where you're -- where these

13 questions seem to be going. So I want to state

14 that.

15 Q. Sure. I'm just curious as to, you

10:20AM

16 know, your background and experience.

17 A. Sure.

18 Q. Okay. And then -- let me see. And

19 moving backwards more in time, where did you

20 attend before you went to Columbia University?

10:20AM

21 A. I went to Princeton University

22 undergrad, where I have a BA magna cum laude in

23 the history and theory of architecture.

24 Q. And what years were you there?

25 A. 1980 to '84.

10:20AM

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2 Q. And you can probably guess I'm going
3 to ask you again what you studied at that time.
4 Do you remember any particular coursework you
5 took?

10:20AM

6 A. Sure. In the first few years, I was
7 trying a number of different things in the way
8 that liberal arts students do, literature,
9 chemistry, Russian language, history of science,
10 and eventually migrated into the architecture
11 department, where again it was a combination of
12 design studio work and history and theory
13 seminars, both in the architecture school and in
14 the art history department.

10:21AM

15 Q. Do you know any Russian anymore?

10:21AM

16 A. I know very little Russian. It's not
17 a language that I have kept up with, but I can
18 read it and say basic things.

19 Q. That's actually impressive. I hear
20 it's a very difficult language.

10:21AM

21 MS. HAGBERG: I thought you were
22 going to start asking questions in Russian.

23 (Laughter.)

24 MR. ARNOLD: If I knew Russian, I
25 would.

10:21AM

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2 BY MR. ARNOLD:

3 Q. So it sounds like after spending some
4 time sampling different coursework, you focused
5 in on architecture. 10:21AM

6 A. Yes.

7 Q. And then the design work, or the
8 studio work rather, that you did was focused on
9 drawings and designs of architectural objects,
10 buildings and the like? 10:22AM

11 A. Largely, yes. We also, for example,
12 did studies of objects like fruits, for example,
13 cutting cross-sections through fruits as a way
14 of developing drawing skills.

15 Q. Did you take any coursework at that 10:22AM
16 time on industrial design?

17 A. I did not.

18 Q. And did you take any coursework on
19 industrial design during your master's programs?

20 A. I did not. 10:22AM

21 Q. Did you take any coursework at any of
22 those schools on product design?

23 A. I did not. To the best of my
24 knowledge, they weren't offered at these
25 schools, in fact. They tend to be offered at 10:22AM

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2 Each has its advantages and limitations.

3 Q. Interesting. Thank you.

4 Moving on to some other types of

5 coursework you might have taken or might not 10:24AM

6 have taken, did you take any coursework at any

7 time on the design of graphical user interfaces?

8 A. No.

9 Q. Any coursework on marketing?

10 A. No. 10:24AM

11 Q. Advertising?

12 A. No.

13 Q. Graphic design?

14 A. No. Somehow I kept busy, but no.

15 (Laughter.) 10:24AM

16 Q. Packaging design?

17 A. Also not. Certainly none were

18 offered in those areas.

19 Q. Okay. So no.

20 Cultural anthropology? 10:25AM

21 A. Yes.

22 Q. And when did you take courses in

23 that?

24 A. I remember one course in particular

25 with Natalie Davis, who is a cultural historian 10:25AM

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2 noted for kind of an anthropological approach
3 that focuses on everyday life as the subject
4 matter of historical interpretation.

5 Q. And where was it that you took that 10:25AM
6 course?

7 A. At Princeton.

8 Q. Was that during your undergraduate
9 time?

10 A. Yes. 10:25AM

11 Q. And do you remember any other courses
12 you took on that subject?

13 MS. HAGBERG: Objection, vague.

14 A. I would be happy to fill in the
15 record with a complete list of coursework. 10:25AM

16 Q. But none come to mind right now?

17 A. None come to mind right now. It's 20
18 years ago.

19 Q. Sure.

20 Did you take any coursework in 10:26AM
21 sociology?

22 A. Not strictly considered, no.

23 Q. Any coursework in consumer behavior?

24 A. No. That again would not have been
25 offered at a place like Princeton, though the 10:26AM

1 H. Urbach - Highly Confidential - Attorneys Eyes Only
2 history and theory courses in architecture and
3 art history encompassed aspects of these fields
4 of inquiry.

5 Q. And when you say fields of inquiry, 10:26AM
6 are you thinking of any in particular from the
7 ones that I've asked about?

8 A. Sociology, cultural anthropology, in
9 particular. In fact, the history and theory of
10 architecture program at Princeton was founded as 10:27AM
11 a kind of project in cultural anthropology.

12 Q. Can you explain that a little bit
13 more. I'm not sure I understand that.

14 A. It goes back to the idea that we've
15 been discussing from the very start, that 10:27AM
16 objects represent ideas and values, and with
17 architecture in particular, since it is largely
18 a social phenomenon, often connected with forms
19 of power and authority, one can understand the
20 dominant values, the dominant ideas, the norms, 10:27AM
21 the habits of a social order through the kinds
22 of buildings and spaces that it constructs.

23 Q. In any of your coursework, do you
24 remember studying particular companies?

25 A. My undergraduate thesis was -- the 10:28AM

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2 subject matter was theme parks, and I had

3 written a junior paper on Epcot Center. So

4 Disney in fact was a company that I was very

5 interested in at the time.

10:28AM

6 Q. And do you remember what your
7 conclusion was in your thesis regarding Disney?

8 A. That research was about the way in
9 which these artifacts, theme parks, which we
10 tend not to think about very much, we think of
11 them as places you go and have fun, that in fact
12 they were completely loaded and coded with ideas
13 about history, nature, class.

10:29AM

14 In particular, the Disney parks --
15 and I certainly was not the only one, there were
16 other theorists working on this -- were
17 particularly ideological and very much masked
18 the kind of ideological claims they would make,
19 for example, about the supremacy of America in
20 the post-war period, would mask those political
21 claims as a form of entertainment.

10:29AM

22 Sobering, I know, but that's what I
23 was thinking about.

24 Q. And that was in your time at
25 Princeton as an undergrad?

10:30AM

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2 A. Yes.

3 Q. Did you spend much time at that theme
4 park?

5 A. I did. 10:30AM

6 Q. It's a nice perk.

7 A. I didn't experience it that way,
8 but...

9 (Laughter.)

10 Q. So moving on to your employment 10:30AM
11 history, are you currently employed?

12 A. I am.

13 Q. And where do you work?

14 A. I am, as of recently, as of a little
15 more than two weeks, the director of the Glass 10:30AM
16 House in New Canaan, Connecticut.

17 Q. Oh, just two weeks. Okay.

18 And what is the Glass House?

19 A. The Glass House refers to a campus of
20 buildings centered on a building that is also 10:30AM
21 called the Glass House, which is a weekend house
22 built by Philip Johnson in 1949 that was
23 essentially made of glass and achieved a kind of
24 iconic status, not only as a building, but also
25 as a kind of cultural project, insofar as over 10:31AM

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2 the next 50 years, until he passed, the Glass
3 House campus became a center where leading
4 artists, architects, designers, patrons, writers
5 would gather. 10:31AM

6 And Philip Johnson left the house in
7 his will to the National Trust for Historic
8 Preservation, who now own it, and I am the
9 director, which is to say that I am responsible
10 for this property, for this site and for its 10:32AM
11 future.

12 Q. And when you say responsible for this
13 property, do you mean day-to-day operations?

14 A. Well, we have a staff, some of whom
15 focus on operations and things like 10:32AM
16 groundskeeping and so on.

17 The primary components of my job are
18 maintaining the integrity of the site from a
19 kind of preservation perspective, which includes
20 operations, fundraising, various kind of 10:32AM
21 managerial issues, as well as developing the
22 potential of this site, which since Philip's
23 death has been largely recreated as a house
24 museum for public tours, and my mandate is to
25 restore its influence as a center of culture. 10:33AM

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2 Q. And what type of things are displayed
3 in the house museum?

4 A. Well, currently it's the house itself
5 and the other roughly dozen buildings, 10:33AM
6 structures on the property. There are also
7 objects. Some of the objects and furniture that
8 were there during Philip's lifetime are on
9 display, and Mies van der Rohe furniture,
10 important artworks, artifacts of everyday life. 10:33AM

11 But it's largely set up -- it's
12 something like a period room, where you enter
13 into the space and there's a display of how it
14 might have looked at a moment in time.

15 Q. And what were you doing prior to 10:34AM
16 working at the Glass House?

17 A. For about a year I was doing
18 independent projects, both writing and
19 consulting.

20 And prior to that, for about five 10:34AM
21 years, I was curator of architecture and design
22 at the San Francisco Museum of Modern Art.

23 And prior to that, I owned a gallery
24 of contemporary art and architecture in
25 New York. 10:34AM

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2 All the while writing and teaching
3 and occasionally consulting through that entire
4 period of roughly 15 years.

5 Q. So staying busy, to say the least? 10:35AM

6 A. A little busy.

7 Q. And going back to the period just
8 prior to the Glass House, you said you were
9 doing some consulting and writing.

10 What type of consulting were you 10:35AM
11 doing?

12 A. I was working with a gallery of
13 design objects in San Francisco, helping them
14 develop their program, their identity. I worked
15 with them for approximately six months. 10:35AM

16 I also consulted with a gallery in
17 New York on the development of an exhibition of
18 drawings.

19 Those were the two primary consulting
20 projects. 10:35AM

21 Q. And those were both galleries.

22 Did you do any consulting with any
23 businesses?

24 A. No. You mean apart from galleries?

25 Q. Apart -- 10:36AM

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2 A. Which also are businesses.

3 Q. Right. Yeah, my mistake. No, that's
4 right.

5 A. And I was writing as well, and it was 10:36AM
6 during that period that I wrote the essay on
7 Apple stores that I believe is in the exhibit or
8 appended to my report.

9 Q. Okay. So that was written in that
10 time period between when you worked at the 10:36AM
11 San Francisco Museum of Modern Art and the Glass
12 House?

13 A. I believe I started it while still at
14 the museum, but most of the writing happened in
15 the period immediately after. 10:36AM

16 Q. Did you do any other writing that you
17 can remember during that time?

18 A. I did. Some independent. Some
19 writing toward a book project on installation
20 architecture. Some smaller writing projects. 10:37AM

21 I mean I'm frequently writing, so...

22 Q. Then looking at your time at the
23 San Francisco Museum of Modern Art, and first
24 let me ask, is there -- that's kind of a long
25 name. 10:37AM

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2 Do you refer to it as SFMOMA?

3 A. That's fine.

4 Q. So at your time at SFMOMA, you were

5 there from 2006 to 2011; is that correct? 10:37AM

6 A. Yes.

7 Q. And what was your job title there?

8 A. I was curator of architecture and

9 design.

10 Q. And was that your job title the whole 10:37AM

11 time that you were there?

12 A. Yes.

13 Q. And what were your responsibilities?

14 A. It was an endowed position, so the

15 official title was the Helen Hilton Raiser 10:37AM

16 Curator of Architecture and Design.

17 Q. And what were your responsibilities?

18 A. My responsibilities largely divided

19 into three categories; exhibitions, acquisitions

20 and community relations. 10:38AM

21 In terms of exhibitions, I was always

22 responsible for the dedicated architecture and

23 design galleries, which were about 3,000 square

24 feet on the second floor, and so it was my

25 responsibility to make sure that we had 10:38AM

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2 exhibitions in those spaces.

3 In addition, there was the
4 opportunity to do exhibitions elsewhere in the
5 museum, in particular, a large 7,500-square foot 10:38AM
6 exhibition on the museum's fourth floor, which
7 was the lead exhibition of that moment.

8 In terms of acquisitions, it was my
9 responsibility to build the permanent collection
10 by proposing works for purchase or donation that 10:39AM
11 would be reviewed by an accessions committee,
12 then a higher-level committee, and finally the
13 board of trustees, before these works would
14 enter the permanent collection.

15 There were some responsibilities 10:39AM
16 related to the maintenance of the collection,
17 where I would consult with conservators, for
18 example, if an object needed treatment.

19 And then community relations had to
20 do with cultivating donor groups. We had a 10:39AM
21 group of friends who we would organize programs
22 related to architecture and design, in general
23 kind of building the profile of architecture and
24 design in the community and within the larger
25 field. 10:39AM

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2 SFMOMA, as you might know, is one of
3 only three major art museums in America to have
4 a department of architecture and design, and it
5 is considered a leader in the field.

10:40AM

6 Q. Do you remember what the other two
7 museums are?

8 A. The Museum of Modern Art and the Art
9 Institute of Chicago.

10 Q. When you say the Museum of Modern
11 Art, that's the one here in New York?

10:40AM

12 A. In New York, yes.

13 Q. Now, when you say cultivating donor
14 groups, is that similar to fundraising, or is it
15 different than that?

10:40AM

16 A. Well, it generally falls under the
17 category of fundraising. It's something
18 different from what I do and will be doing at
19 the Glass House.

20 Often what you do as a curator, you
21 try to raise money for your projects, whether
22 they're exhibitions or acquisitions. So for
23 example, if there's -- there was an acquisition
24 budget each year that came from the donations of
25 the committee members, but sometimes there were

10:40AM

10:41AM

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2 opportunities to acquire things beyond that
3 budget that we felt important for the
4 collection, so we would need to raise additional
5 funds.

10:41AM

6 Likewise, with exhibitions, though
7 there was a development department who was
8 largely responsible for raising money, curators
9 are always involved in helping raise money.

10 Q. And how many exhibits or exhibitions
11 did you help to coordinate?

10:41AM

12 A. I believe it was somewhere between 12
13 and 15. We could verify that.

14 Q. Was there a specific topic or focus
15 on those exhibits, or were they disparate?

10:42AM

16 A. I think there was a nice range.
17 There were, I believe, five exhibitions from the
18 permanent collection that sought to provide a
19 sort of conceptual framework to objects drawn
20 from the collection, which may have been objects
21 that I brought in or brought in by my
22 predecessors.

10:42AM

23 One exhibition that I think is
24 germane to what we're discussing here today was
25 the major exhibition that I did that I mentioned

10:42AM

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2 earlier, the museum's lead exhibition in that

3 period, which was called How Wine Became Modern,

4 Design and Wine, 1976 to Now, and that was an

5 original and it was said ground-breaking study

10:42AM

6 of the visual and material culture of wine in

7 the period from 1976 to now, 1976 being the year

8 of a watershed event in the world of wine called

9 the Judgment of Paris, where essentially, in

10 very broad strokes, the new world begins to gain

10:43AM

11 a kind of ascendancy that it hadn't previously

12 had, and as part of this story, a kind of battle

13 for authority within the world of wine, I became

14 particularly interested in the way that designed

15 objects could confer value.

10:43AM

16 And by objects, to go back to an

17 earlier discussion we were having, I was looking

18 not only at architecture such as the

19 architecture of wineries, but at wine glasses,

20 wine labels, works of art related to wine,

10:43AM

21 concepts of land use related to wine, such as

22 terroir, popular culture in a sort of cultural

23 anthropological approach, such as news, film and

24 advertising related to wine, all to try to

25 understand how it is that something that might

10:44AM

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2 otherwise have the same status as grape juice or
3 Coca-Cola in fact has a completely different
4 elevated status.

5 And it was my argument that design 10:44AM
6 played a central role in that transformation.

7 Q. Interesting.

8 And at that time, did you have any
9 exhibits that were devoted to consumer
10 electronics? 10:44AM

11 A. No. We had some consumer electronics
12 in permanent collection exhibitions. One in
13 particular, 246 and Counting, was an overview of
14 all of the works that I had brought into the
15 collection during the first roughly 10:45AM
16 two-and-a-half years of my tenure, and we had
17 some Apple products as well as Bang & Olufsen,
18 as well as other examples of product design,
19 furniture. We had a bicycle, for example.

20 Q. And what was the purpose of that 10:45AM
21 exhibit?

22 A. The exhibition was a kind of
23 meta-exhibition really that was designed to
24 inform the public of how a museum collects,
25 which was a rather distinctive approach. 10:45AM

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2 Usually when curators mount permanent
3 collection shows, especially recent acquisition
4 shows, they're seen as sort of greatest hits or
5 a celebration of what the museum now owns, 10:46AM
6 demonstrations of the museum's power and
7 authority. Of course it was also that, but
8 there were many things about this exhibition
9 that worked to complicate that idea and to make
10 visible the actual processes by which works come 10:46AM
11 into a collection.

12 So for example, we informed people
13 that, as I just told you, a curator surveys the
14 landscape, decides what he or she thinks is
15 museum worthy, proposes that to a committee. 10:46AM
16 Those decisions are then reviewed, then reviewed
17 and approved by the board of trustees. These
18 are things that are not common knowledge to the
19 public.

20 Or, for example, discussing some of 10:47AM
21 the conservation issues that attend to acquiring
22 objects. And we did a cell phone guided tour
23 where, for example, we would talk about issues
24 of when you acquire a consumer electronics, that
25 you need to make decisions about whether you 10:47AM

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2 display them on or off. If they're displayed
3 on, how do you deal with screen burn over a long
4 period of time.

5 These kinds of -- but it was a very 10:47AM
6 behind-the-scenes look at making an exhibition.

7 Q. And to maybe go a little deeper into
8 this, what were some of the reasons that you
9 chose to try and bring certain items into the
10 museum? 10:48AM

11 A. It's not exactly a formula, but it's
12 a combination -- one thinks of several things.
13 What one would like to have on hand for
14 exhibitions and what one would like to preserve
15 for posterity. 10:48AM

16 Within that the criteria include
17 excellence, which can be formal, material,
18 technical, conceptual excellence.

19 Also responding to what has been
20 collected already. So for example, trying to 10:48AM
21 fill gaps in a collection or trying to build
22 upon strengths or concentrations.

23 Of course budget plays an issue, as
24 does serendipity. One doesn't always have
25 access to everything one wants, so one is 10:49AM

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2 responding to what the market makes available.

3 As well in my field, my field was
4 rather -- my purview was rather broad, insofar
5 as architecture and design, as defined at 10:49AM
6 SFMOMA, includes architecture, product design,
7 industrial design, graphic design and furniture.

8 And so I would also try to be balanced and to
9 make sure that all parts of the design
10 collection were moving forward, not in every 10:49AM
11 meeting at the same rate, but over the arch of
12 time, to be comprehensive in that way.

13 Q. And I think you had used the phrase
14 earlier, the phrase "museum worthy."

15 What -- in your opinion, what makes 10:50AM
16 something museum worthy?

17 A. Again, my first response would be to
18 say there's something ineffable that's not easy
19 to put one's finger on, but it has to do with
20 excellence. It might have to do with social 10:50AM
21 status. It might have to do with certain
22 narratives that one is trying to relate with the
23 collection.

24 Generally speaking, works that are
25 exalted in some way are museum worthy and in 10:51AM

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2 turn become exalted as they enter museums.

3 There are, I should note, other
4 museums that take different approaches. There
5 are museums that are more concerned with a kind 10:51AM
6 of encyclopedic collecting strategy, trying
7 almost in a kind of time capsule way to capture
8 everything or much of the material culture of
9 the period.

10 In the design fields, that also is a 10:51AM
11 kind of split between museums that are focused
12 on a sort of encyclopedic collection of material
13 culture and those that are concerned with
14 establishing a meaningful relationship between a
15 collection of architecture and design and the 10:52AM
16 other collections that exist in the museum; at
17 SFMOMA, photography, painting and sculpture and
18 new media.

19 What joined us all was an effort to
20 tell a story, to tell a compelling, truthful and 10:52AM
21 meaningful story about culture and its
22 evolution.

23 Q. Is it the case that -- did you ever
24 acquire any items that you considered to be
25 museum worthy for -- for example, because they 10:52AM

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2 were a controversial item?

3 A. I did acquire some controversial
4 items. I would not say that that was the major
5 reason for acquiring them. 10:53AM

6 Q. Then you also said that you were
7 hoping to tell a truthful and meaningful story
8 about culture and its evolution.

9 How did that affect what you
10 acquired? 10:53AM

11 A. It governed my decisions. I'm not
12 sure...

13 Q. In what way?

14 A. Can you rephrase the question?

15 Q. Sure. 10:53AM

16 In telling a truthful and meaningful
17 story about culture and its evolution, did you
18 have any particular criteria for what types of
19 items would tell that story?

20 A. Generally speaking, I was interested 10:53AM
21 in objects that could be used to reveal this
22 concept of design and its representation, which
23 is to say that -- again, that ideas, habits,
24 norms, values, are represented through objects.

25 That was certainly one dominant strand. 10:54AM

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2 Another was to locate significant
3 points of intersection between important
4 architecture and design movements and movements
5 in other fields, for example, that the museum 10:54AM
6 was interested in.

7 And then there were also objects that
8 I collected simply -- we collected simply
9 largely because they were first in their class.
10 Sometimes there were also social or kind of 10:54AM
11 anthropological stories that gave objects
12 particular resonance.

13 There was also a strand -- when I
14 mentioned that one collects to consolidate the
15 strengths of a collection, partly because of 10:55AM
16 when SFMOMA began collecting, but also because
17 of the interests of the three curators that
18 preceded me, as well as my own, there is a
19 concentration of experimental and visionary
20 work, for example, what might be called paper 10:55AM
21 architecture, which is a somewhat different
22 approach to museums that are more focused on
23 buildings, documents of buildings, just as an
24 example.

25 Q. You had mentioned that you had some 10:55AM

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2 Bang & Olufsen products in the museum?

3 A. Yes.

4 Q. And what were some of the reasons why
5 you acquired those? 10:55AM

6 A. Bang & Olufsen is one of those
7 companies, and there are a handful of them, who
8 in the 20th century committed to design
9 excellence as integral to their brand identity
10 and became known by the public as a company 10:56AM
11 committed to design. And the objects were
12 gorgeous.

13 Q. And when you say design excellence,
14 what do you mean by that phrase?

15 A. I think in every field of endeavor, 10:56AM
16 experts are able to assert what excellence is.
17 In design, one of the ways to determine that
18 is -- sort of a classic way, I suppose -- is
19 that the relation of form and content has a kind
20 of inevitability to it. 10:57AM

21 But there are many -- the history of
22 design is full of competing ideas about what
23 makes for excellence.

24 One of the ways that I -- I think we
25 can leave it at that. 10:57AM

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2 A. Likely.

3 Q. Let me ask you just a few more

4 questions on background-type things and then

5 we'll take a break.

11:02AM

6 A. Okay.

7 Q. Prior to working for SFMOMA, where

8 were you working?

9 A. I had a gallery in New York called

10 Henry Urbach Architecture. It was a gallery of

11:02AM

11 contemporary art and architecture.

12 Q. And how long were you working there?

13 A. I founded it in late 1995, and did

14 not have a physical space but worked as a kind

15 of freelance curator/dealer until 1998, when I

11:02AM

16 opened my space, and I ran my gallery as a space

17 from 1998 till 2005.

18 Q. I was having to chase down to the end

19 of the transcript.

20 And was it a gallery, you called it?

11:03AM

21 A. Yes.

22 Q. And that gallery was devoted to

23 architecture, as well as works of art?

24 A. Yes.

25 Q. And do you have a recollection of

11:03AM

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2 what types of exhibits you put, exhibitions that
3 you put on there?

4 A. Yes.

5 Q. Do you have an example of one that 11:03AM
6 you did?

7 A. How shall I choose? There were -- I
8 did 50 exhibitions when I had my gallery. What
9 would you like to know?

10 Q. I mean, was there a general theme to 11:04AM
11 the exhibitions?

12 A. I found the best artists and
13 architects that I could work with. Some of
14 them -- there tended to be a good number of
15 installations, environmental strategies for 11:04AM
16 presenting work.

17 But we had photography exhibitions,
18 sculpture, painting, architectural drawing,
19 video. It ran the gamut in terms of media. All
20 contemporary with a few modern period 11:04AM
21 exceptions, such as a show of Le Corbusier
22 drawings that I presented.

23 Q. And did you ever feature examples of
24 consumer electronics products in your
25 exhibitions? 11:04AM

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C E R T I F I C A T E

STATE OF NEW YORK)

: ss.

COUNTY OF WESTCHESTER)

I, ANNETTE ARLEQUIN, a Notary Public within and for the State of New York, do hereby certify:

That HENRY A. URBACH, whose deposition is hereinbefore set forth, was duly sworn by me, and that the transcript of such depositions is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage; and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of April, 2012.

ANNETTE ARLEQUIN, CCR, RPR, CLR