

Proctor Declaration

EXHIBIT 14

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE INC., A CALIFORNIA CORPORATION,)	C-11-01846 LHK
)	
)	SAN JOSE, CALIFORNIA
PLAINTIFF,)	
)	AUGUST 17, 2012
VS.)	
)	VOLUME 11
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,)	PAGES 3387-3711
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DEFENDANTS.)	

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE LUCY H. KOH
UNITED STATES DISTRICT JUDGE

APPEARANCES ON NEXT PAGE

OFFICIAL COURT REPORTER: LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595
IRENE RODRIGUEZ, CSR, CRR
CERTIFICATE NUMBER 8074

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A P P E A R A N C E S :

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1 A IN MY EXPERIENCE AS A DESIGNER, A DESIGN
2 COMING OUT DOESN'T HAVE THAT KIND OF IMPACT UNLESS
3 IT'S TRULY UNIQUE AND NOT OBVIOUS.

4 MS. KREVANS: NOTHING FURTHER, YOUR
5 HONOR.

6 THE COURT: ALL RIGHT. THE TIME IS NOW
7 2:13. GO AHEAD, PLEASE.

8 MR. VERHOEVEN: THANK YOU, YOUR HONOR.
9 CAN WE PUT UP SDX 3927.001.

10 **CROSS-EXAMINATION**

11 BY MR. VERHOEVEN:

12 Q THIS IS A SLIDE WE LOOKED AT EARLIER WHEN I
13 WAS CROSS-EXAMINING YOU?

14 MS. KREVANS: OBJECTION, YOUR HONOR.

15 MR. VERHOEVEN: YOUR HONOR, IF WE'RE
16 GOING TO HAVE OBJECTIONS TO A SLIDE THAT'S ALREADY
17 BEEN USED AND TAKING MY TIME.

18 THE COURT: GO AHEAD, OVERRULED.

19 MS. KREVANS: YOUR HONOR, IF I MAY --

20 MR. VERHOEVEN: CAN THIS GO OUT OF THEIR
21 TIME, YOUR HONOR.

22 THE COURT: OVERRULED. GO, PLEASE.

23 MR. VERHOEVEN: THANK YOU.

24 Q THIS IS A SLIDE I ASKED YOU ABOUT LAST TIME
25 YOU TESTIFIED; RIGHT?

1 A CORRECT.

2 Q AND ON THE LEFT WE HAVE THESE PRIOR ART
3 REFERENCES AND WE HAVE THE LG PRADA, DO YOU SEE
4 THAT?

5 A I SEE THAT.

6 Q ALL THESE PRIOR ART DEVICES HAVE A RECTANGULAR
7 SHAPE WITH ROUNDED CORNERS; RIGHT?

8 A THAT'S WHAT I SAID LAST TIME, USE.

9 Q THE USE OF A RECTANGULAR SHAPE WITH ROUNDED
10 CORNERS FOR AN ELECTRONIC DEVICE, THAT'S NOT
11 SOMETHING APPLE OWNS, IS IT, SIR?

12 A THAT GENERAL DESCRIPTION CERTAINLY IS NOT.
13 THE SPECIFIC DESIGN THAT THEY PRODUCED IS.

14 Q THAT ELEMENT IS NOT SOMETHING THAT APPLE OWNS,
15 IS IT, SIR?

16 A I'M NOT SURE I UNDERSTAND THE QUESTION.

17 Q RECTANGULAR SHAPE WITH ROUNDED CORNERS, DOES
18 APPLE OWN THAT?

19 A APPLE OWNS A -- THE DESIGN OF THE PHONE WITH A
20 RECTANGULAR SHAPE AS DEPICTED IN THEIR PATENT WITH
21 ROUNDED CORNERS.

22 Q CAN WE PLAY MR. BRESSLER'S APRIL 24TH, 2000
23 TELEPHONE DEPOSITION, PAGE 176, LINES 18 THROUGH
24 85.

25 (WHEREUPON, A VIDEOTAPE WAS PLAYED IN

1 OPEN COURT OFF THE RECORD.)

2 BY MR. VERHOEVEN:

3 Q AND THE USE OF A LARGE -- GO BACK TO THE
4 SLIDE, PLEASE. EACH OF THESE HAS A LARGE DISPLAY
5 SCREEN; RIGHT?

6 A THEY'RE DIFFERENT SIZES.

7 Q BUT THEY'RE ALL LARGE DISPLAY SCREENS, AREN'T
8 THEY, SIR?

9 A COMPARED TO WHAT?

10 Q YOU DON'T CONCEDE THESE ARE LARGE DISPLAY
11 SCREENS?

12 A I WOULD SAY SOME OF THEM ARE LARGE AND SOME OF
13 THEM ARE NOT, YES.

14 Q WHICH ONE IS NOT LARGE?

15 A THE 547 I DO NOT BELIEVE IS AS LARGE AS THE
16 '087.

17 Q OKAY. SO THESE THREE AT LEAST YOU'LL AGREE
18 ARE LARGE, THE JP'638, JP'383, AND THE LG PRADA?

19 A THEY ARE LARGE RELATIVE TO THE DESIGNS THEY'RE
20 IN, YES.

21 Q THE USE OF A LARGE DISPLAY SCREEN ON AN
22 ELECTRONIC DEVICE IS NOT SOMETHING THAT'S
23 PROPRIETARY TO APPLE, IS IT, SIR?

24 A I'M SORRY. THE WAY YOU'RE ASKING THAT
25 QUESTION IS NOT APPROPRIATE TO THE EVALUATION I

1 DID.

2 Q LET'S PLAY YOUR DEPOSITION, APRIL 24TH, 2012,
3 PAGE 177, LINES 1 THROUGH 5.

4 (WHEREUPON, A VIDEOTAPE WAS PLAYED IN
5 OPEN COURT OFF THE RECORD.)

6 BY MR. VERHOEVEN:

7 Q NOW, THAT WAS TRUE TESTIMONY WHEN YOU GAVE IT
8 AT YOUR DEPOSITION, WASN'T IT, SIR?

9 A AS I UNDERSTAND THE QUESTIONS AT THE TIME,
10 YES.

11 Q NOW, WHEN YOU'RE LOOKING AT THE '889 PATENT,
12 THE TABLET DESIGN PATENT -- ARE YOU WITH ME?

13 A I AM.

14 Q YOU NOTICED A LOT OF LITTLE DIFFERENCES;
15 RIGHT?

16 A A LOT OF LITTLE DIFFERENCES OF WHAT?

17 Q IN THE FIDLER TABLET VERSUS THE '889?

18 A I THOUGHT THEY WERE SUBSTANTIAL DIFFERENCES.

19 Q AND, IN FACT, WHEN YOU COMPARED THE '888 TO
20 THE INITIAL IPAD, IT WAS YOUR BELIEF IT'S NOT AN
21 EMBODIMENT, RIGHT?

22 A BECAUSE OF THE SHAPE.

23 Q SO YOU DIDN'T THINK IT WAS AN EMBODIMENT OF
24 THE '889 PATENT; RIGHT?

25 A THAT REALLY HAS NOT BEEN PART OF MY

1 EVALUATION.

2 Q IS THAT YOUR OPINION?

3 A NO.

4 Q OKAY. LET'S PLAY FROM YOUR DEPOSITION, APRIL
5 24TH, 2012, PAGE 121, LINES 6 THROUGH 13.

6 (WHEREUPON, A VIDEOTAPE WAS PLAYED IN
7 OPEN COURT OFF THE RECORD.)

8 MR. VERHOEVEN: I'LL JUST READ IT, BUT I
9 DON'T THINK THEY WOULD SEE THEM AS BEING
10 SUBSTANTIALLY THE SAME.

11 Q YOU SAID THAT, RIGHT, IN ANSWER TO THAT
12 QUESTION AT YOUR DEPOSITION?

13 A I DID. AND I SAID THE WORD SIGNIFICANT
14 SIMILARITIES.

15 Q BUT DID YOU NOT THINK THEY WERE SUBSTANTIALLY
16 THE SAME. WAS THAT A MISTAKE AT YOUR DEPOSITION?

17 A NO, THAT'S WHAT I SAID.

18 Q OKAY. AND YOU STAND BY IT?

19 A I BELIEVE THAT THE BACK OF THE ORIGINAL IPAD
20 DOES NOT HAVE THE SAME SHAPES THAT THE '889
21 SUGGESTS.

22 Q YOU AGREE THAT YOU APPLIED THE SAME TEST FOR
23 INVALIDITY AS YOU APPLY FOR INFRINGEMENT, YOU APPLY
24 THE ORDINARY OBSERVER TEST; RIGHT, SIR?

25 A I APPLIED THE ORDINARY OBSERVER TEST, IF, IN

1 FACT, I FOUND IN THE CONSTRUCTIONS THAT AS A
2 DESIGNER OF THE ORDINARY SKILL I FELT WERE CLOSE TO
3 OR PRIMARY REFERENCES FOR THE PATENTS, AND I --

4 Q SO IF?

5 A I DON'T BELIEVE ANY OF THEM ARE.

6 Q IF LITTLE DETAILS LIKE THE BEZEL WIDTH OR THE
7 LOCATION OF THE SPEAKER ARE IMPORTANT FOR
8 INVALIDITY, THEY'RE JUST AS IMPORTANT FOR
9 NON-INFRINGEMENT, AREN'T THEY, SIR?

10 A YES. BUT I BELIEVE IT ALL COMES DOWN TO THE
11 OVERALL IMPRESSION.

12 MR. VERHOEVEN: THANK YOU, SIR.

13 PASS THE WITNESS.

14 THE COURT: ALL RIGHT. 2:18.

15 MS. KREVANS: NO REDIRECT YOUR HONOR.

16 THE COURT: ALL RIGHT. IS THIS WITNESS
17 EXCUSED AND NOT SUBJECT TO RECALL.

18 MS. KREVANS: HE IS EXCUSED AND NOT
19 SUBJECT TO RECALL.

20 THE COURT: ALL RIGHT. YOU ARE EXCUSED.

21 THE WITNESS: THANK YOU.

22 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

23 **KARAN SINGH,**

24 BEING CALLED AS A WITNESS ON BEHALF OF THE

25 PLAINTIFF, HAVING BEEN FIRST DULY SWORN, WAS

1 EXAMINED AND TESTIFIED AS FOLLOWS:

2 THE WITNESS: I DO.

3 THE CLERK: THANK YOU. PLEASE BE SEATED.

4 MR. JACOBS: YOUR HONOR, APPLE CALLS DR.
5 KARAN SINGH IN REBUTTAL.

6 THE COURT: OKAY. TIME IS 2:18. GO
7 AHEAD, PLEASE.

8 **DIRECT EXAMINATION**

9 BY MR. JACOBS:

10 Q WELCOME BACK, DR. SINGH. THE JURY HEARD
11 WEDNESDAY FROM A MR. GRAY ON BEHALF OF SAMSUNG THAT
12 LAUNCHTILE AND AGNETTA, A PATENT WITH AGNETTA AS
13 THE INVENTOR, EACH OF THEM SEPARATELY ANTICIPATE
14 CLAIM 50 OF THE '163 PATENT.

15 ARE YOU AWARE OF THAT TESTIMONY?

16 A SURE. I WAS IN COURT. I READ HIS TRANSCRIPT.
17 I SAW THE SLIDES.

18 Q DO YOU AGREE WITH MR. GRAY?

19 A NO, I DO NOT.

20 Q AND BEFORE WE GET INTO THE DETAILS, LET'S TAKE
21 KIND OF A HIGH LEVEL LOOK AT THIS. ARE CLAIM 50 OF
22 THE '163 PATENT ON ONE HAND AND LAUNCHTILE AND
23 AGNETTA, THE REFERENCES MR. GRAY TALKED ABOUT, ARE
24 THEY EVEN DIRECTED TO THE SAME PROBLEM?

25 A NO, NOT AT ALL. ONE, THE '163 DEALS WITH

1 FACILITATING THE NAVIGATION AND READABILITY OF THE
2 STRUCTURED ELECTRONIC DOCUMENTS, LIKE WEB PAGES.
3 IF WE LOOK AT THE VIDEO OF THE '163 ON THE APPLE
4 IPHONE AGAIN, YOU SEE TAPPING ON BOXES.

5 AND THEN THIS ENTIRE DOCUMENT BEING
6 ENLARGED AND CENTERED TO IMPROVE THE READABILITY OF
7 THAT DOCUMENT.

8 LAUNCHTILE AND AGNETTA, ON THE OTHER
9 HAND, DEAL WITH A COMPLETELY DIFFERENT PROBLEM,
10 WHICH IS INTERACTING WITH AND LAUNCHING APPLICATION
11 ICONS, SORT OF LIKE THE APPLICATION ICONS FOR
12 LAUNCHING PROGRAMS THAT YOU SEE ON A COMPUTER DESK
13 TOP.

14 Q SO DO LAUNCHTILE AND AGNETTA ENLARGE AND
15 TRANSLATE A STRUCTURED ELECTRONIC DOCUMENT?

16 A NO, NOT AT ALL. AND CERTAINLY NOT THE WAY THE
17 '163 TALKS ABOUT. THEY ESSENTIALLY REPLACE THE
18 CONCEPT. THEY PROVIDE DIFFERENT CONTENT.

19 Q SO DO -- DOES LAUNCHTILE DISCLOSE INSTRUCTIONS
20 FOR DISPLAYING AT LEAST A PORTION OF A STRUCTURED
21 ELECTRONIC DOCUMENT?

22 A UM --

23 Q CAN WE HAVE PDX 29.29, PLEASE?

24 A NO, THEY DON'T. JUST LOOKING AT THE CLAIM
25 ELEMENTS OVER HERE, LAUNCHTILE, AND AGNETTA,

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CERTIFICATE OF REPORTERS

WE, THE UNDERSIGNED OFFICIAL COURT REPORTERS OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT, CERTIFICATE INCLUSIVE, CONSTITUTES A TRUE, FULL AND CORRECT TRANSCRIPT OF OUR SHORTHAND NOTES TAKEN AS SUCH OFFICIAL COURT REPORTERS OF THE PROCEEDINGS HEREINBEFORE ENTITLED AND REDUCED BY COMPUTER-AIDED TRANSCRIPTION TO THE BEST OF OUR ABILITY.

/S/

LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

/S/

IRENE RODRIGUEZ, CSR, CRR
CERTIFICATE NUMBER 8074

DATED: AUGUST 17, 2012