

Proctor Declaration

EXHIBIT 3

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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 3, 2012
VS.)	
)	VOLUME
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 556-930
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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

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

FOR PLAINTIFF MORRISON & FOERSTER
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RACHEL KREVANS
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PLAINTIFF'S

PHILIP SCHILLER

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(RES.)
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REDIRECT EXAM BY MR. MCELHINNY P. 717
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SCOTT FORSTALL

DIRECT EXAM BY MR. MCELHINNY P. 724
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JUSTIN DENISON

AS-ON CROSS-EXAM BY MR. LEE P. 790
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1 IT ON THE PHONE.

2 AND I THOUGHT, I'M HOLDING THIS
3 INCREDIBLY POWERFUL DEVICE IN MY HAND, WHY CAN'T IT
4 FIGURE OUT WHAT I KEEP ON DOING OVER AND OVER AGAIN
5 AND JUST DO IT FOR ME?

6 AND SO I CHALLENGED THE TEAM TO ENABLE
7 YOU TO JUST DOUBLE TAP ON A STORY AND THEN HAVE IT
8 DO THE ZOOM UP AND CENTER IT, SUBSTANTIALLY IN THIS
9 CASE, CENTER IT FOR ME TO READ THAT STORY.

10 AND THE TEAM AT FIRST THOUGHT THIS IS
11 GOING TO BE SUPER HARD, MAYBE NOT POSSIBLE, AND
12 THEY WENT BACK AND WORKED REALLY HARD AND MADE IT
13 POSSIBLE.

14 Q IS THERE ANY RELATIONSHIP BETWEEN THE FEATURES
15 THAT WE'RE SHOWING AND THE ACTUAL STRUCTURE OF THE
16 WEB PAGE ITSELF?

17 A YES. THE WEB PAGE, BY ITS NATURE, IS -- IT'S
18 AN ELECTRONIC DOCUMENT, THE WEB PAGE IS, AND WEB
19 PAGES ARE GENERALLY MADE WITH THIS LANGUAGE CALLED
20 HTML, AND HTML DEFINES PIECES OF STRUCTURE.

21 AND SO WHAT WE IMPLEMENTED WAS WHEN THE
22 USER DOUBLE TAPS ON AN AREA, IT FIGURES OUT THE
23 PIECE OF STRUCTURE THAT IS DEFINED BY THE HTML AND
24 DEFINED BY THE APPEARANCE ON THE SCREEN, DETERMINES
25 THE SORT OF BOX OF STRUCTURE YOU CARE ABOUT, AND

1 THAT'S THE ONE THAT IT ZOOMS UP FOR YOU.

2 Q PHYSICALLY, HOW IS THIS FEATURE IMPLEMENTED?
3 HOW DO YOU PUT IT INTO THE PHONE SYSTEM? IS IT A
4 SOFTWARE STRUCTURE?

5 A IT IS -- THE WHOLE THING IS A PIECE OF
6 SOFTWARE. IT'S BUILT RIGHT INTO THE OS, AND BUILT
7 INTO A NUMBER OF PLACES IN THE OS.

8 SO YOU CAN USE IT, YOU KNOW, IN THIS
9 EXAMPLE IN A BROWSER. YOU CAN USE IT IN MAIL, SAY
10 YOU RECEIVE DOCUMENTS.

11 YOU CAN DO IT, I THINK, TO PREVIEW OTHER
12 SORTS OF DOCUMENTS, LIKE PDF'S.

13 SO IT'S SORT OF BUILT THROUGHOUT THE OS
14 TO NAVIGATE THROUGH STRUCTURED DOCUMENTS.

15 Q ARE THERE ANY CHALLENGES TO CODING OR PUTTING
16 THIS FEATURE INTO SOFTWARE?

17 A YEAH, THERE WERE.

18 UNDERSTANDING THAT STRUCTURE AND, IN
19 FACT, THE STRUCTURE THAT THE USER CARES ABOUT,
20 THAT'S THE CHALLENGE. THAT'S A LOT OF THE
21 CHALLENGE.

22 YOU CAN IMAGINE A STORY ON THE WEBSITE
23 WHERE THE FIRST LETTER OF THE FIRST WORD OF A STORY
24 IS A BIG CAPITAL LETTER, A GIANT LETTER, AND THE
25 REST OF THE STORY IS SMALLER.

1 WHEN YOU DOUBLE TAP AROUND THAT FIRST
2 LETTER, THE USER PROBABLY DOESN'T MEAN TO ZOOM INTO
3 ONE LETTER. THEY PROBABLY MEAN TO ZOOM INTO THE
4 COLUMN OF THAT STORY.

5 SO THERE WAS A LOT OF WORK TO FIGURE OUT
6 WHAT WAS THE CORRECT STRUCTURE AND THE CORRECT BOX
7 THAT THE USER CARED ABOUT AND ZOOM UP THAT CORRECT
8 ONE.

9 Q IS IT THE GOAL HERE TO MOVE EACH THING THAT
10 THE PERSON WANTS INTO THE EXACT CENTER OF THE
11 SCREEN?

12 MR. JOHNSON: OBJECTION. LEADING.

13 THE COURT: SUSTAINED.

14 BY MR. MCELHINNY:

15 Q CAN YOU TELL US WHETHER OR NOT IT IS THE GOAL
16 OF THIS TO MOVE THE BOX DIRECTLY INTO THE CENTER OF
17 THE STRUCTURE?

18 A SO THE GOAL IS TO -- WE CALL IT SUBSTANTIALLY
19 CENTER IT, BUT THE GOAL IS TO MOVE IT TO THE BEST
20 VIEWING PLACE FOR YOU.

21 IF YOU HAVE A PICTURE WHICH IS SURROUNDED
22 BY A LOT OF OTHER TEXT OR PICTURES AND THAT PICTURE
23 IS IN THE CENTER, WHEN YOU DOUBLE TAP ON THAT
24 PICTURE, IT'LL LIKELY END UP EXACTLY CENTERED ON
25 THE PHONE.

1 BUT IF YOU HAVE A, A COLUMN OF
2 INFORMATION, LET'S SAY IT'S A COLUMN OF FIRST NAMES
3 AND THEY'RE VERY SHORT NAMES AND IT'S ON THE VERY
4 LEFT-HAND SIDE OF A WEB PAGE, IF YOU DOUBLE TAP ON
5 THAT COLUMN, IT WOULD BE FOOLISH TO CENTER THAT
6 COLUMN IN THE MIDDLE OF THE PHONE BECAUSE YOU LEAVE
7 ALL THIS EMPTY SPACE BEYOND IT TO THE LEFT. YOU'RE
8 JUST WASTING SPACE.

9 YOU CAN STILL PERFECTLY READ THOSE NAMES
10 LINED UP ON THE EDGE OF THE PHONE AND SEE MORE OF
11 THE WEB PAGE TO THE RIGHT.

12 SO WE TALKED ABOUT IT AS BEING
13 SUBSTANTIALLY CENTERED, MEANING CENTER IT WHERE IT
14 MAKES SENSE, BUT DON'T GO BEYOND THE EDGE OF A
15 DOCUMENT BECAUSE THERE'S NO REASON TO DO THAT.

16 Q SIR, AS THE DEVELOPER OF ALL OF THE IOS
17 SYSTEM, DO YOU CONSIDER THIS A SIGNIFICANT FEATURE
18 IN THE IPHONE?

19 A ABSOLUTELY.

20 Q AND WHAT IS THE SIGNIFICANCE OF IT?

21 A I REMEMBER WHAT IT WAS LIKE TO USE BEFORE WE
22 HAD THIS, WHILE WE WERE DEVELOPING IT, AND AFTER WE
23 IMPLEMENTED THE FEATURE, AND IT DRAMATICALLY
24 CHANGED HOW I USED THE WEB. FOR ME PERSONALLY, IT
25 ENABLED ME TO BROWSE THE WEB MUCH MORE QUICKLY,

1 MUCH MORE FLUIDLY, AND I WOULD THINK TO GO AND
2 BROWSE CERTAIN WEBSITES ON MY PHONE WHERE, BEFORE,
3 I MIGHT HAVE THOUGHT I HAVE TO GO TO A COMPUTER FOR
4 THAT.

5 AND WE KNOW FROM OUR USERS THAT BROWSING
6 THE WEB IS ONE OF THE MORE POPULAR THINGS THEY DO
7 ON OUR IPHONES, AND ESPECIALLY ON OUR IPADS.

8 AND SO THIS, I THINK, ENABLES YOU TO HAVE
9 A, A DRAMATICALLY BETTER EXPERIENCE BROWSING THE
10 WEB ON OUR DEVICES.

11 Q SIR, WAS THE FEATURE THAT'S COVERED BY THIS
12 PATENT, YOUR INVENTION, WAS IT EVER THE SUBJECT OF
13 A SPECIFIC AD THAT APPLE DID FOR ITS PRODUCTS?

14 A YES. WE MADE A TELEVISION AD SPECIFICALLY TO
15 HIGHLIGHT THIS.

16 MR. MCELHINNY: YOUR HONOR, AT THIS POINT
17 I WOULD LIKE TO SHOW THAT AD, WHICH IS PART OF
18 PLAINTIFF'S EXHIBIT 12, WHICH IS IN EVIDENCE.

19 THE COURT: ALL RIGHT. GO AHEAD, PLEASE.

20 (WHEREUPON, A VIDEOTAPE WAS PLAYED IN
21 OPEN COURT OFF THE RECORD.)

22 MR. MCELHINNY: THANK YOU, MR. FORSTALL.

23 I HAVE NO FURTHER QUESTIONS.

24 THE COURT: ALL RIGHT. THE TIME IS NOW
25 1:40.

CROSS-EXAMINATION

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BY MR. JOHNSON:

Q GOOD AFTERNOON, MR. FORSTALL.

A GOOD AFTERNOON.

Q MY NAME IS KEVIN JOHNSON. WE'VE SEEN EACH OTHER BEFORE; RIGHT?

A SEVERAL DEPOSITIONS.

Q OKAY.

SO IF I MAY APPROACH, YOUR HONOR, WE'RE GOING TO HAND OUT SOME BINDERS.

(PAUSE IN PROCEEDINGS.)

MR. JOHNSON: I THINK I'M JUST GOING TO REFER TO THE LAST ONE.

Q NOW, THE ORIGINAL IPHONE WAS INTRODUCED, MR. FORSTALL, IN JANUARY 2007; RIGHT?

A CORRECT.

Q AND LET'S GO BACK A LITTLE BIT FURTHER AND TALK ABOUT THE DEVELOPMENT OF THE IPHONE.

IN 2006, YOUR TEAM WAS CONCERNED THAT THE SPEED OF THE PROCESSOR THAT WAS GOING TO BE USED IN THE IPHONE WAS TOO SLOW COMPARED TO THE SPEED OF THE PROCESSORS USED IN OTHER SMARTPHONES, INCLUDING SAMSUNG'S SMARTPHONES; RIGHT?

A I HAD CONCERNS THAT I WANTED IT TO BE AS FAST AS POSSIBLE, YES.

1 Q AND IN FACT, YOU LOOKED AT WHAT SAMSUNG'S
2 PHONE DID AND WHAT KIND OF PROCESSOR IT HAD; RIGHT?
3 DO YOU REMEMBER DOING THAT?

4 A YES.

5 Q OKAY. AND THE IDEA THERE WAS THAT, BY LOOKING
6 AT WHAT YOUR COMPETITORS WERE DOING, POTENTIALLY,
7 THAT WAS OKAY; RIGHT?

8 A YES.

9 Q NOW, THERE WERE OTHER INSTANCES WHEN
10 EXECUTIVES AT APPLE LOOKED AT WHAT COMPETITORS WERE
11 DOING DURING THE DEVELOPMENT OF THE IPHONE; RIGHT?

12 A YES.

13 Q AND THERE WERE OTHER EXAMPLES WHEN APPLE
14 EXECUTIVES LOOKED SPECIFICALLY AT WHAT SAMSUNG WAS
15 DOING IN DEVELOPMENT OF THE IPHONE; RIGHT? DURING
16 THE DEVELOPMENT OF THE IPHONE?

17 A YES.

18 Q NOW, DO YOU RECALL LOOKING AT A SAMSUNG PHONE
19 CALLED THE SGH-E910, A BANG & OLUFSEN FASHION
20 PHONE?

21 A I DO NOT.

22 Q DO YOU REMEMBER THAT IT HAD A CLICKWHEEL-LIKE
23 CONTROL?

24 A I DO NOT.

25 Q IF I CAN DIRECT YOUR ATTENTION TO EXHIBIT,

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CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT
REPORTER 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 MY SHORTHAND NOTES TAKEN AS
SUCH OFFICIAL COURT REPORTER OF THE PROCEEDINGS
HEREINBEFORE ENTITLED AND REDUCED BY COMPUTER-AIDED
TRANSCRIPTION TO THE BEST OF MY ABILITY.

/S/

LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

DATED: AUGUST 3, 2012