

Exhibit A

EXHIBIT 1

FILED UNDER SEAL

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

4 APPLE INC., a California)
5 corporation,)
6)
7 Plaintiff,)
8)

9 vs) Case No. 11-CV-01846-LHK

10 SAMSUNG ELECTRONICS CO.,)
11 LTD., a Korean corporation;)
12 SAMSUNG ELECTRONICS AMERICA,)
13 INC., a New York)
14 corporation, SAMSUNG)
15 TELECOMMUNICATIONS)
16 AMERICA, LLC, a Delaware)
17 Limited Liability company,)
18)
19 Defendants.)
20)

21 _____)
22)
23 VIDEOTAPED DEPOSITION OF KARANSHER SINGH, Ph.D
24 "CONFIDENTIAL"
25 December 3, 2012
AT: 10:00 a.m.

26 Taken at:
27 Morrison & Foerster
28 Edinburgh Tower, 33/F - The Landmark
29 Hong Kong SAR

30 Court Reporter:
31 Jeanne Bullis
32 RPR, CSR
33 Reporter: 55957
34
35

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1 WHEREUPON,

2 KARANSHER SINGH

3 having been first duly sworn as noted above, was examined

4 and testified as follows: 10:22

5 EXAMINATION BY MR. BRIGGS: 10:22

6 Q. Good morning, Dr. Singh. 10:22

7 A. Good morning. 10:22

8 Q. I'm handing you what has been marked as 10:22

9 Exhibit No. 1. This is a copy of your declaration 10:22

10 that you submitted in support of Apple's permanent 10:22

11 injunction motion. Do you recognize this document? 10:22

12 (Exhibit 1 marked for identification.)

13 BY MR. BRIGGS: 10:22

14 A. Yes, I do. 10:22

15 Q. So you recognize this as your declaration? 10:23

16 A. Yes. 10:23

17 Q. And you signed this on November 9th, 2012? 10:23

18 A. I believe so, yes. 10:23

19 Q. When did you start writing this declaration? 10:23

20 A. I would say shortly -- well, I started to 10:23

21 work on it shortly after Mr. Gray, Samsung's expert, 10:23

22 filed a declaration sort of asking -- well, against an 10:23

23 injunction. So I started working on it shortly after 10:24

24 that. 10:24

25 Q. Now, did you write this declaration? 10:24

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1 Q. Now, would you agree with me that fingers 11:17
2 touching a touchscreen are input points? 11:17

3 MR. MONACH: Objection. Vague. 11:18

4 A. In a very general sense, typically, yes. But 11:18
5 if you were to -- if you were, for instance, to put 11:18
6 two fingers like that (Indicating), that would 11:18
7 typically be observed on the device as a single input 11:18
8 point. 11:18

9 So while often we talk about fingers over here, 11:18
10 the patent actually specifically talks about what the 11:18
11 device sees, which are distinct input points. 11:18

12 BY MR. BRIGGS: 11:19

13 Q. What does the claim talk about? 11:19

14 A. The claim talks about -- 11:19

15 MR. MONACH: Objection, vague. Best 11:19
16 evidence rule. 11:19

17 A. The claim talks about what's in the claim, I 11:19
18 guess. 11:19

19 BY MR. BRIGGS: 11:19

20 Q. Doesn't the claim talk about input points 11:19
21 applied to the touch-sensitive display? 11:19

22 A. That's right. 11:19

23 Q. It's right in the plain language of the 11:19
24 claims. 11:19

25 A. Yes. 11:19

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1 Q. So if I have one finger touching the screen, 11:19

2 that would be one input point. 11:19

3 A. Right. 11:19

4 Q. If you have two fingers touching the screen, 11:19

5 that would be two input points; correct? 11:19

6 A. That's right. I said generally, that is 11:19

7 true. 11:19



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7 Q. And when you say "two input touches," are you 11:21
8 talking about two input touches applied to the 11:21
9 touchscreen, or are you talking about two touches as 11:21
10 interpreted by the device? 11:21

11 A. Well, I believe the claims and the patent 11:21
12 essentially relate to the device. We talk about input 11:21
13 touches. I have a research paper where people operate 11:22
14 these devices with anodes. So we're talking about the 11:22
15 device here. 11:22

16 Q. Okay, so you're talking about how the device 11:22
17 interprets what is touching the screen; is that 11:22
18 correct? 11:22

19 MR. MONACH: Objection. Vague. 11:22

20 A. Well, in the context of everything that we've 11:22
21 been talking about right now, in the context of the 11:22
22 claim, we're talking about the device, yes. 11:22

23 BY MR. BRIGGS: 11:22

24 Q. Let's assume -- I understand that's your 11:22
25 interpretation of the claim, but let's assume that the 11:22

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1 interpretation of the claim were different, and that 11:22
2 the claim is actually talking about input points that 11:23
3 are applied physically to the touchscreen. 11:23

6 MR. MONACH: Objection. Vague and 11:23
7 ambiguous, incomplete hypothetical. 11:23

8 A. No, because physical input points on the 11:23
9 device need to have a physical separation on the 11:23
10 device. 11:23

11 BY MR. BRIGGS: 11:23

15 MR. MONACH: Objection. Incomplete 11:23
16 hypothetical. 11:23

17 A. Well, hypothetically if you had Siamese 11:24
18 fingers, you potentially could have them both mapped 11:24
19 to a single input touch. So that would be a single 11:24
20 input point, not ... 11:24

21 BY MR. BRIGGS: 11:24

22 Q. Now, you don't need Siamese fingers; correct? 11:24

23 MR. MONACH: Objection. Vague and 11:24
24 ambiguous. 11:24

25 A. You need to -- well, you need to be able to 11:24

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1 have a single input touch which physically map to the 11:24
2 same device location. 11:24
3 BY MR. BRIGGS: 11:24

7 MR. MONACH: Objection. Lack of foundation, 11:25
8 incomplete hypothetical with respect to the 11:25
9 hardware, the distance, etcetera. 11:25

13 BY MR. BRIGGS: 11:25
14 Q. So going back to my question, the answer is 11:25
15 "yes"? 11:25
16 MR. MONACH: Objection. Vague and 11:25
17 ambiguous. 11:25

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1 BY MR. BRIGGS:

11:26

6 A. In this --

11:27

7 MR. MONACH: Objection -- hold on.

11:27

8 A. Excuse me.

11:27

9 MR. MONACH: Objection. Vague and

11:27

10 ambiguous, assumes facts not in evidence, calls

11:27

11 for a legal conclusion about a method in the

11:27

12 claim that relates to instructions.

11:27

20 And so it doesn't matter in any case when you

11:28

21 talk about two fingers close together or two fingers

11:28

22 apart and so on, because the claim that we're talking

11:28

23 about here is, it's a machine claim. It deals with a

11:28

24 set of instructions. It is the instructions that

11:28

25 operate on the number of input touches that the device

11:29

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1 interprets. 11:29

2 BY MR. BRIGGS: 11:29

3 Q. Okay, I understand that, but let me ask the 11:29

4 question a different way. 11:29

5 A. Okay. 11:29



9 MR. MONACH: Objection. Lack of foundation, 11:29

10 incomplete hypothetical. 11:29



24 MR. MONACH: Same objection. Lack of 11:30

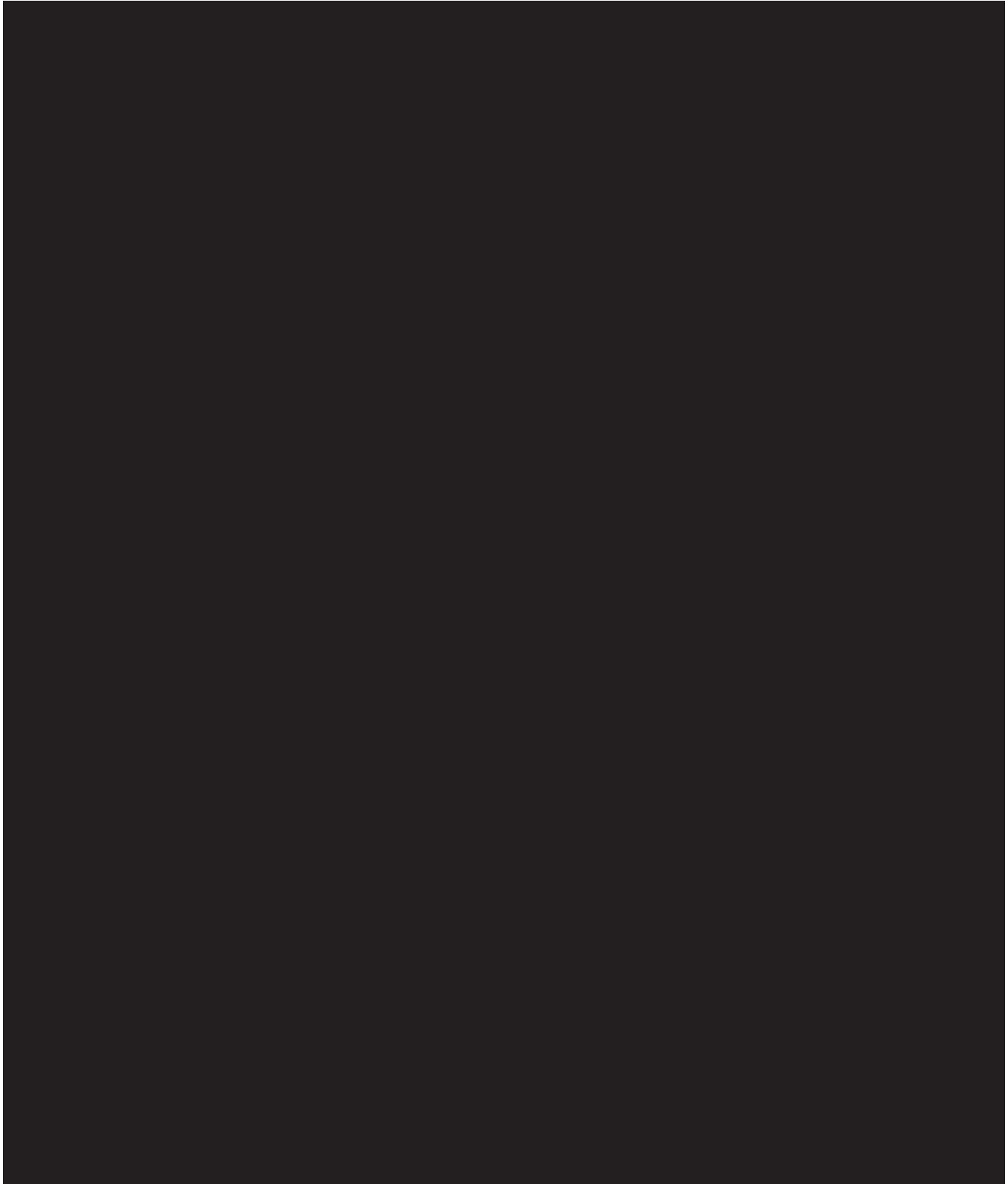
25 foundation, incomplete hypothetical, asked and 11:30

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1 answered in a previous question.

11:30



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4 Now, in that case, would there be infringement of 11:33
5 the '915 patent, based on your analysis? 11:33

6 MR. MONACH: Object to the form of the 11:33
7 question as an incomplete hypothetical, outside 11:33
8 the scope of the reply declaration and the scope 11:33
9 of the deposition permitted. Object to asking 11:33
10 Apple's expert to make seat-of-the-pants opinions 11:33
11 for Samsung's benefit about how they might 11:33
12 attempt to design around the patent. That's not 11:33
13 what he is here for. 11:33

14 MR. BRIGGS: Your speaking objections are 11:33
15 getting a little lengthy, Mr. Monach. 11:33

16 MR. MONACH: Well, if you would restrict 11:33
17 your questions to the opinions that he's offered, 11:33
18 which is what you told the judge you needed to 11:34
19 ask him questions about and why you needed to 11:34
20 have this supplemental discovery, then you should 11:34
21 do that instead of asking him questions about how 11:34
22 might we do something different than what we did 11:34
23 and what might be the results of that. That is 11:34
24 not an issue -- 11:34

25 MR. BRIGGS: I'm asking him about -- 11:34

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1 MR. MONACH: No, you're asking him how might 11:34
2 -- "We understand you think this fringes. How 11:34
3 about if we tweaked it like this, how about if we 11:34
4 tweaked it like that? What if we did something 11:34
5 else." 11:34

6 MR. BRIGGS: Is it your position I cannot 11:34
7 ask him that question? 11:34

8 MR. MONACH: I didn't instruct him not to 11:34
9 answer. My position is -- 11:34

10 MR. BRIGGS: Then -- 11:34

11 MR. MONACH: -- that it's objectionable and 11:34
12 it's clearly beyond the scope. 11:34

13 MR. BRIGGS: Cease the speaking objections. 11:34

14 MR. MONACH: It is beyond -- for the reasons 11:34
15 stated, it is clearly beyond the scope of the 11:34
16 deposition that was permitted. It is also an 11:34
17 incomplete hypothetical and vague and ambiguous. 11:34

18 A. In the hypothetical scenario that you're 11:35
19 suggesting, there would be a few things: One, in 11:35
20 general, if you're suggesting it as a sort of 11:35
21 potential design around claim C, firstly, just in 11:35
22 terms of quality, the quality of a design-around, I 11:35
23 think that would be -- that potentially would be quite 11:35
24 problematic. I think the quality of the functionality 11:35
25 would be quite compromised just because thresholds, 11:35

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1 you know, no matter how small or large they are, can 11:35
2 be very tricky. 11:35

3 As you know, there are all kinds of people that 11:35
4 operate these devices: Children with small fingers to 11:35
5 people with big fat fingers. And so these distances 11:35
6 could result, I imagine, in a lot of user frustration. 11:36
7 But that set aside, I mean, that's just speculative on 11:36
8 that front. 11:36

9 On the actual limitations in the claim limitation 11:36
10 of C, I would have to look and conclusively analyze 11:36
11 such a design-around, just as I've done for the 11:36
12 current modified Samsung code. So it's -- you know, I 11:36
13 would not be able to give you a conclusive answer on 11:36
14 that without actually looking at an actual 11:36
15 implementation. But I -- you know, off the top of my 11:36
16 head, I don't think it would be a very good design, 11:36
17 period. 11:36

18 BY MR. BRIGGS: 11:36

19 Q. But you also think it wouldn't infringe here 11:36
20 either; right? 11:36

21 MR. MONACH: Objection, misstates the prior 11:36
22 testimony. Objection, vague and ambiguous, 11:36
23 outside the scope of the discovery that was 11:37
24 permitted. Object to asking the witness to form 11:37
25 new opinions unrelated to the particular issue 11:37

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1 he's opined upon here today. 11:37

2 A. No, I didn't say -- I didn't say that it 11:37

3 would not infringe. In fact, I said that I would 11:37

4 perform a new analysis based on the new code and how 11:37

5 it was structured and exactly how it matched up with 11:37

6 the claim language and so on. 11:37

7 BY MR. BRIGGS: 11:37



15 Q. Correct, but in my hypothetical -- 11:38

16 A. Yes, in your hypothetical. 11:38

17 MR. MONACH: Hang on. 11:38

18 BY MR. BRIGGS: 11:38



23 Q. The code. 11:38

24 A. In some new code, okay. 11:38

25 Q. Right. 11:38

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1 A. Okay.

11:38



8 Now, in that case, a scale would not occur;

11:38

9 correct?

11:39

10 MR. MONACH: Objection. Lack of foundation,

11:39

11 incomplete hypothetical. Objection beyond the

11:39

12 scope of the discovery permitted, and you're

11:39

13 asking the witness to opine at the deposition on

11:39

14 some hypothetical different code than what

11:39

15 Samsung has provided in discovery.

11:39



23 And so, you know, any new code would need to be

11:39

24 provided as a very clear new working design, which I'd

11:39

25 be very happy to analyze were such a design presented

11:39

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1 to me. 11:40

2 BY MR. BRIGGS: 11:40

3 Q. Now, let's turn back to the code you 11:40

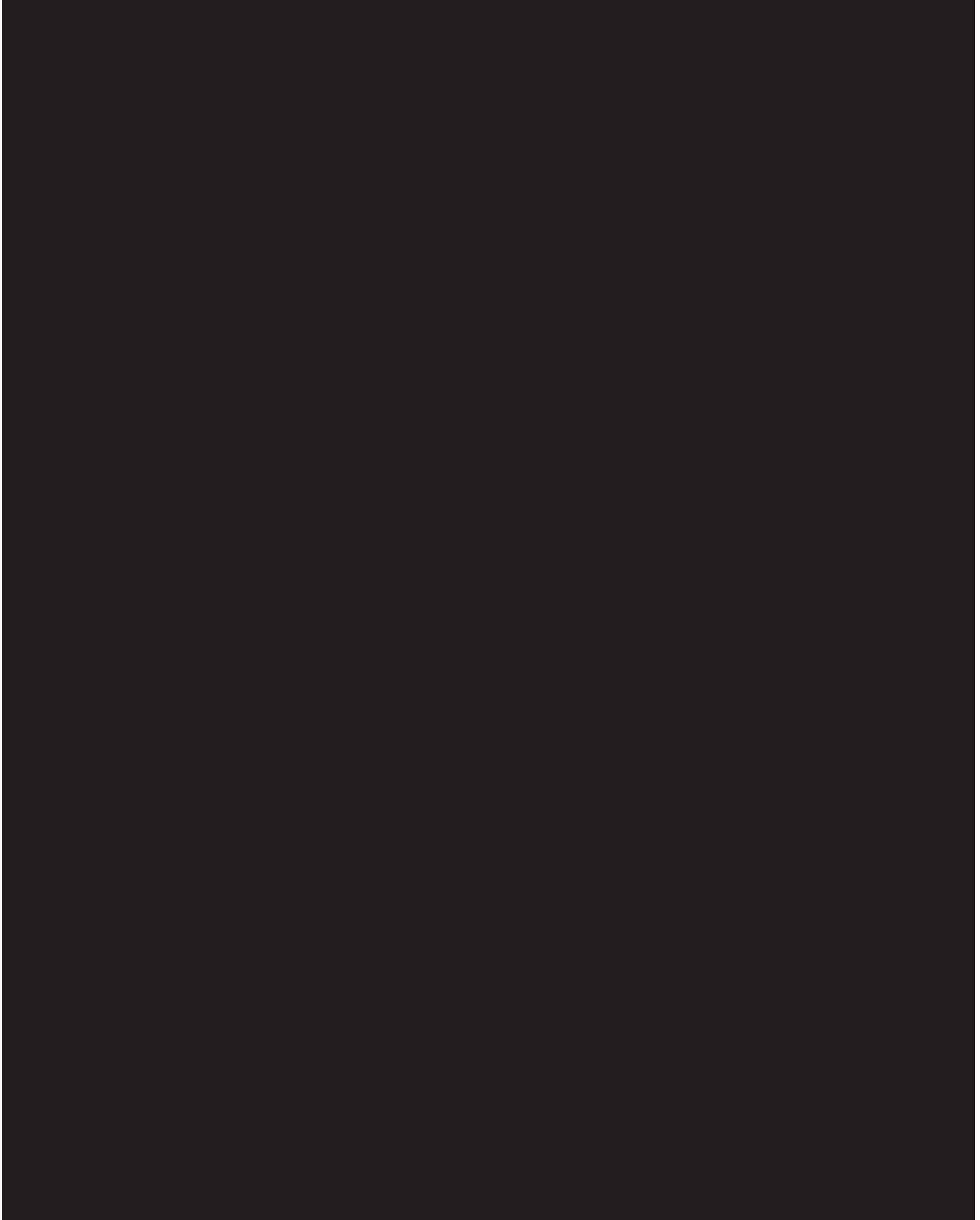
4 reviewed, the modified Samsung code you reviewed. 11:40

5 A. Okay. 11:40



25 BY MR. BRIGGS: 11:41

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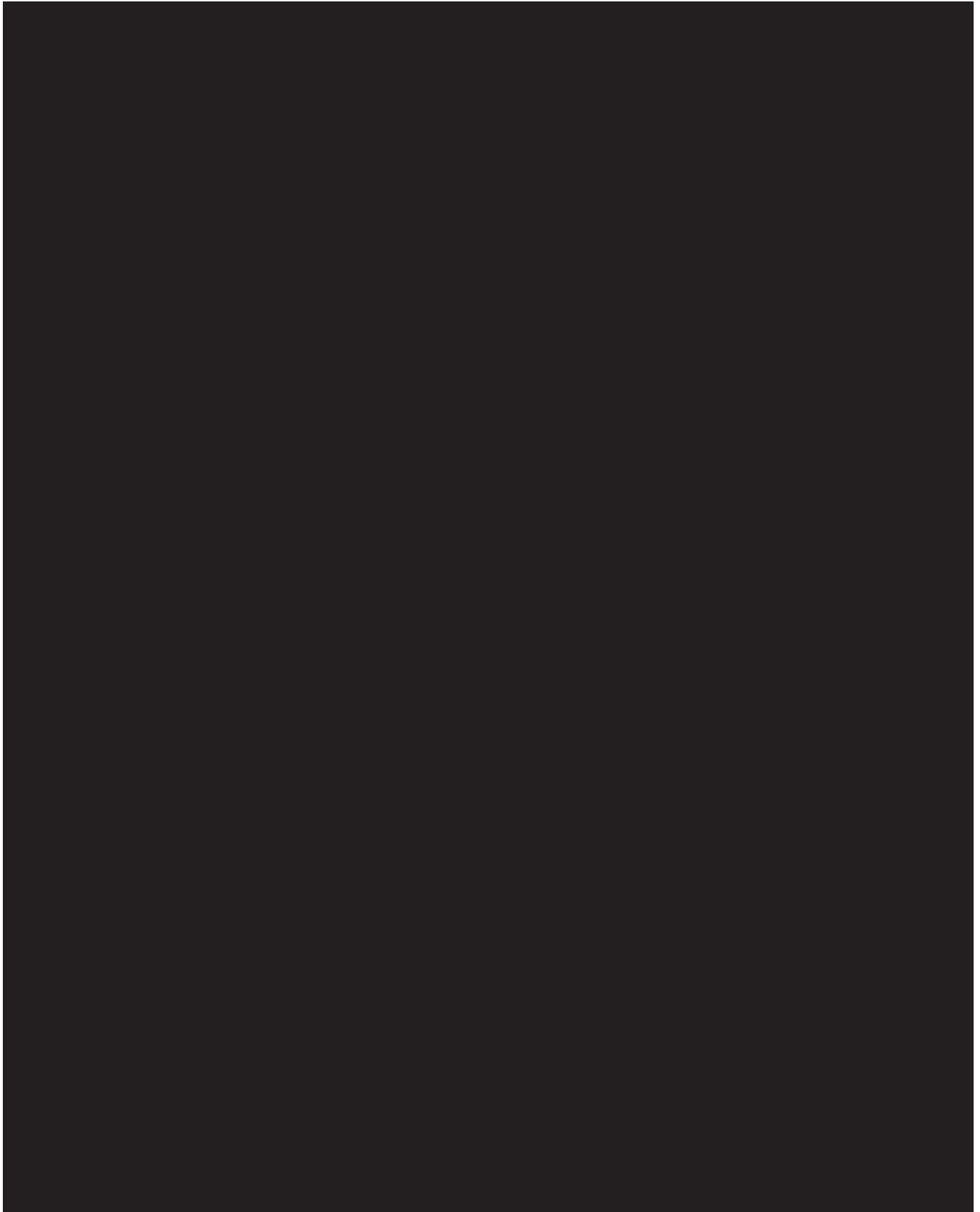
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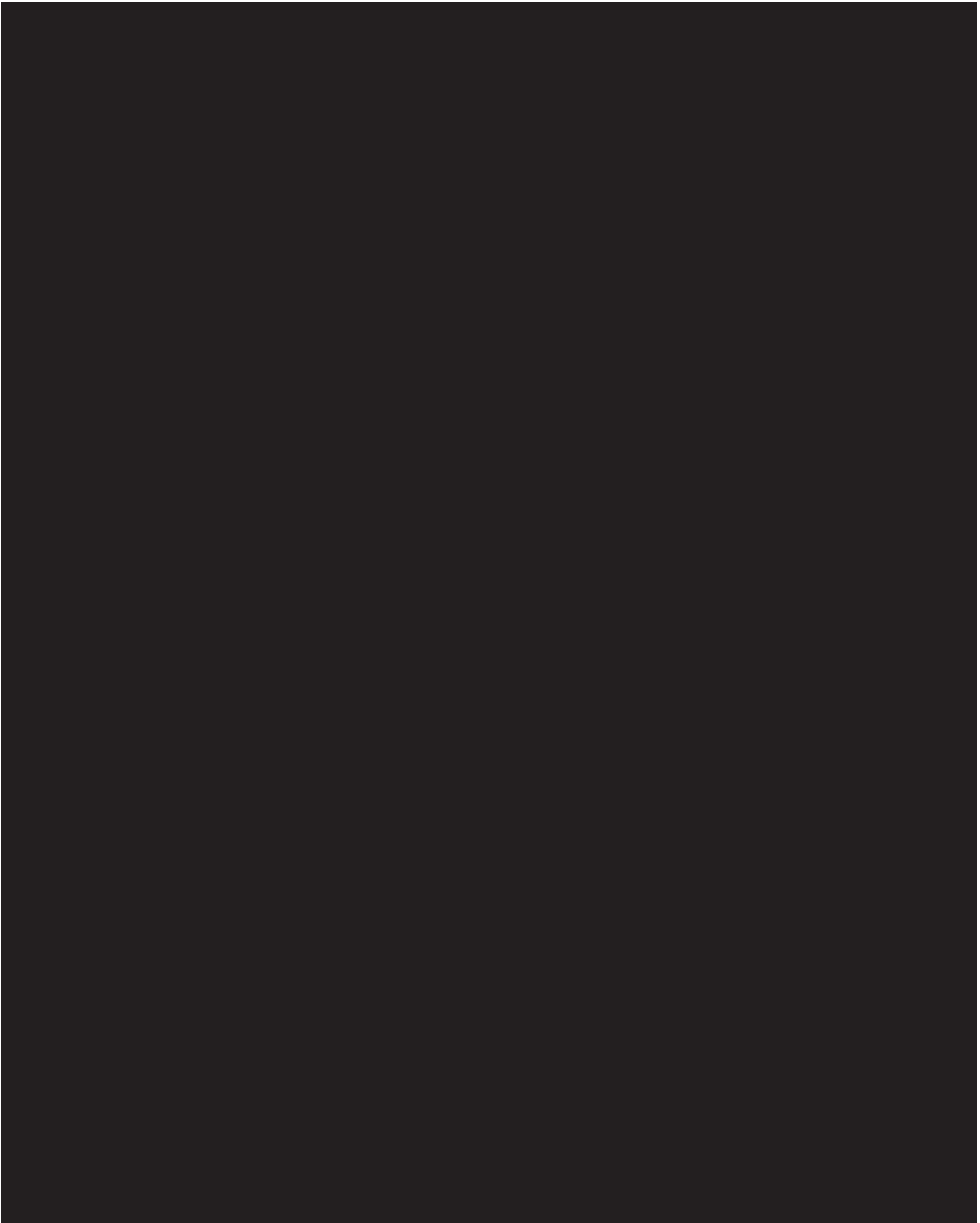
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CERTIFICATE OF REPORTER

I, JEANNE BULLIS, RPR, CSR, hereby certify that the testimony of the witness, KARANSHER SINGH, Ph.D., in the foregoing transcript taken on the 3rd day of December, 2012, was recorded by me in machine shorthand and was thereafter transcribed by me; and that the foregoing transcript is a true and accurate verbatim record of the said testimony.

Before completed of the deposition, review of the transcript (X) was () was not requested. If requested, any changes made by the deponent (and provided to the reporter) during the period allowed are appended hereto

I further certify that I am not a relative, employee, counsel or financially involved with any of the parties to the within cause, nor am I an employee or relative of any counsel for the parties, nor am I in any way interested in the outcome of the within cause.

Signed:
Name: Jeanne Bullis
Date: 12/3/2012