

EXHIBIT 3

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

5 APPLE INC., a California
6 corporation,

7 Plaintiff,

8 vs. CASE NO. 11-cv-01846-LHK

9 SAMSUNG ELECTRONICS CO.,
10 LTD., a Korean business
11 entity; SAMSUNG ELECTRONICS
12 AMERICA, INC., a New York
13 corporation; SAMSUNG
14 TELECOMMUNICATIONS AMERICA,
15 LLC, a Delaware limited
16 liability company,
17 Defendants.

18 _____/

19 H I G H L Y C O N F I D E N T I A L
20 A T T O R N E Y S ' E Y E S O N L Y

21 VIDEOTAPED DEPOSITION OF JEFFREY JOHNSON, Ph.D.
22 REDWOOD SHORES, CALIFORNIA
23 THURSDAY, April 26, 2012

24 BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CCRR, CLR
25 CSR LICENSE NO. 9830
JOB NO. 49051

Page 2	Page 3
<p>1 THURSDAY, APRIL 26, 2012</p> <p>2 9:17 A.M.</p> <p>3</p> <p>4</p> <p>5</p> <p>6 VIDEOTAPED DEPOSITION OF JEFFREY JOHNSON,</p> <p>7 Ph.D., taken at QUINN EMANUEL URQHART &</p> <p>8 SULLIVAN 555 Twin Dolphin Drive,</p> <p>9 Redwood Shores, California, pursuant to</p> <p>10 Notice, before me, ANDREA M. IGNACIO HOWARD,</p> <p>11 CLR, CCRR, RPR, CSR License No. 9830.</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 A P P E A R A N C E S:</p> <p>2</p> <p>3</p> <p>4 FOR APPLE INC.:</p> <p>5 MORRISON & FOERSTER</p> <p>6 By: DEOK KEUN MATTHEW AHN, Esq.</p> <p>7 425 Market Street</p> <p>8 San Francisco, California 94105</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13 FOR SAMSUNG ELECTRONICS CO. LTD:</p> <p>14 QUINN EMANUEL URQUHART & SULLIVAN</p> <p>15 By: MARK TUNG, Esq.</p> <p>16 555 Twin Dolphin Drive</p> <p>17 Redwood Shores, California 94065</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22 ALSO PRESENT: Pete Sais, Videographer</p> <p>23</p> <p>24 ---oOo---</p> <p>25</p>
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<p>1 SAN FRANCISCO, CALIFORNIA 08:37</p> <p>2 THURSDAY, APRIL 26, 2012 08:38</p> <p>3 9:17 A.M. 08:38</p> <p>4 08:38</p> <p>5 08:38</p> <p>6 08:38</p> <p>7 THE VIDEOGRAPHER: Good morning. 08:48</p> <p>8 This is the start of disc labeled No. 1 in 09:15</p> <p>9 the videotaped deposition of Jeffrey Johnson. In the 09:15</p> <p>10 matter of Apple, Inc., versus Samsung Electronics 09:15</p> <p>11 Company Limited, et al. 09:16</p> <p>12 In the United States District Court, Northern 09:16</p> <p>13 District of California. Case No. 11-CV-01846 LHK. 09:16</p> <p>14 This deposition is being held at 425 Market 09:16</p> <p>15 Street in San Francisco, California on April 26, 2012, 09:16</p> <p>16 at approximately 9:17 a.m. 09:16</p> <p>17 My name is Pete Sais from TSG Reporting, 09:16</p> <p>18 Inc., and I am the legal video specialist. 09:16</p> <p>19 The court reporter is Andrea Ignacio, in 09:16</p> <p>20 association with TSG Reporting. 09:16</p> <p>21 Will counsel please introduce yourselves, and 09:16</p> <p>22 the court reporter can swear in the witness, and we 09:16</p> <p>23 can proceed. 09:16</p> <p>24 MR. AHN: Matthew Ahn of Morrison & Foerster 09:16</p> <p>25 on behalf of Apple, Inc. 09:16</p>	<p>1 MR. TUNG: Mark Tung from Quinn Emanuel for 09:16</p> <p>2 Samsung, and with me is Aileen Kim. 09:16</p> <p>3</p> <p>4 JEFFREY JOHNSON,</p> <p>5 having been sworn as a witness</p> <p>6 by the Certified Shorthand Reporter,</p> <p>7 testified as follows:</p> <p>8</p> <p>9 EXAMINATION BY MR. AHN 09:17</p> <p>10 MR. AHN: Good morning, Dr. Johnson. 09:17</p> <p>11 THE WITNESS: Good morning. 09:17</p> <p>12 MR. AHN: We've already met off the record, 09:17</p> <p>13 but I just want to introduce myself again. My name is 09:17</p> <p>14 Matthew Ahn. I'm an attorney for Morrison & Foerster, 09:17</p> <p>15 representing Apple in this action. I'm just going to 09:17</p> <p>16 ask you a few questions -- actually, probably more 09:17</p> <p>17 than a few questions -- about the expert report that 09:17</p> <p>18 you submitted for this case. 09:17</p> <p>19 Q I believe you were previously deposed in this 09:17</p> <p>20 action approximately eight months ago; is that right? 09:17</p> <p>21 A In October. 09:17</p> <p>22 Q In October. About six months ago? 09:17</p> <p>23 A Uh-huh. 09:17</p> <p>24 Q Okay. So the same basic rules are going to 09:17</p> <p>25 apply. I'm going to ask you some questions. Your 09:17</p>

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<p>1 counsel may object every now and then. You should 09:17 2 just wait until he gets a chance to do so. And unless 09:17 3 he instructs you not to answer a question, you should 09:17 4 go ahead and respond to the questions that I ask you; 09:17 5 is that fair? 09:17 6 A Yes. 09:17 7 Q Is there any reason that you can't give full 09:17 8 and accurate testimony today? 09:17 9 A No. 09:17 10 Q I understand that you are being paid a 09:17 11 consulting rate of approximately \$250 an hour for work 09:17 12 that you do that is not under oath? 09:17 13 A Correct. 09:18 14 Q And then while you are testifying, it's \$350 09:18 15 an hour? 09:18 16 A Yes. 09:18 17 Q Approximately how much have you billed 09:18 18 Samsung in connection with your work on this case? 09:18 19 A Well, let's see. I don't -- I don't know the 09:18 20 exact amount. But there was a fair amount of work 09:18 21 leading up to the deposition in October, so I'd say 09:18 22 maybe 50 or 60 hours there, and then maybe another 20 09:18 23 or 30 so far. But actually, you asked how much I've 09:18 24 billed IMS Expert Services for this. And I haven't 09:18 25 yet billed them for anything on this latest round of 09:18</p>	<p>1 work. 09:18 2 Q Sure. 09:18 3 Let me try it this way, then: Through today, 09:18 4 how many -- approximately how many hours do you expect 09:18 5 to bill in connection with your work for this case? 09:18 6 A Through today, I'd say probably 70, 80, 90, 09:19 7 something like that. 09:19 8 Q And about half of that would be at your \$250 09:19 9 rate, and about the other half would be at the \$350 09:19 10 rate? 09:19 11 A No. Most of it is at the \$250 rate because, 09:19 12 you know, I was deposed. That was the only other time 09:19 13 that I had been under oath until now. 09:19 14 I was -- I prepared for testifying at the 09:19 15 preliminary injunction hearing, but I wasn't called to 09:19 16 testify, so I wasn't under oath then. 09:19 17 Q I understand. 09:19 18 Now, you had previously done some consulting 09:19 19 work for Samsung Information Systems America in 09:19 20 San Jose; is that right? 09:19 21 A Yes. Correct. 09:19 22 Q And I think there were two separate 09:19 23 engagements? 09:19 24 A Yes. 09:19 25 Q Have you done any more work for Samsung since 09:19</p>
<p>Page 8</p> <p>1 then? 09:19 2 A No. 09:19 3 Q I want to ask you a bit about the second 09:19 4 engagement, which I think dealt with some type of 09:20 5 consumer analysis relating to the Samsung BlackJack 09:20 6 product. 09:20 7 A Yes. 09:20 8 Q Is that accurate? 09:20 9 A Yes. 09:20 10 Q Okay. And I believe specifically, you were 09:20 11 asking users about kind of how they deal with 09:20 12 smartphones; is that correct? 09:20 13 MR. TUNG: Objection; vague. 09:20 14 THE WITNESS: Users were -- users were given 09:20 15 a Samsung BlackJack phone, about a dozen users, ten or 09:20 16 12, and Samsung was monitoring, with the -- with the 09:20 17 users' consent, the use of applications on the phone. 09:20 18 It wasn't monitoring what was -- what they were using 09:20 19 the applications for, but it was just which 09:20 20 applications were being used at what time. It's 09:20 21 approximately the same information as is on the 09:20 22 billing statement. 09:20 23 And -- but in addition to that monitoring, I 09:20 24 and my colleague, who would help me on that 09:20 25 engagement, interviewed the participants at the 09:20</p>	<p>Page 9</p> <p>1 beginning, the middle and the end of the six-month 09:21 2 trial period and asked them, you know, what were they 09:21 3 using the phone for, what did they like, did they not 09:21 4 like, what -- you know, what were some of the features 09:21 5 of the phone that they valued and which -- what were 09:21 6 some of the features that they didn't value. 09:21 7 MR. AHN: Q. Did you yourself use the 09:21 8 BlackJack? 09:21 9 A No. 09:21 10 Q Did you ever give it a shot to see how it 09:21 11 worked, how it functioned? 09:21 12 A Well, I played with one, you know, at the 09:21 13 beginning of the study just to see what a BlackJack 09:21 14 was and what it could do. 09:21 15 Q What did you think about the BlackJack's user 09:21 16 interface? 09:21 17 MR. TUNG: Objection; vague. 09:21 18 THE WITNESS: All I know is that -- and it 09:21 19 had certain applications and that you could start the 09:21 20 applications. I don't -- I don't really have 09:21 21 strong -- strong feelings about the BlackJack user 09:22 22 interface. 09:22 23 MR. AHN: Q. Do you remember thinking this 09:22 24 is bad or this is good, I like this, I don't like 09:22 25 this; anything like that? 09:22</p>

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1 MR. TUNG: Objection; vague. 10:35	1 A Blue glow is a means of showing the -- the 10:37
2 THE WITNESS: I was -- I was asking him 10:35	2 user that they've reached the end of the document 10:37
3 functions about -- questions about the list 10:35	3 that's an alternative to revealing the area beyond the 10:37
4 functionality because that's what he implemented, and 10:35	4 end of the document and then bouncing back. So the 10:37
5 we were asking questions about the behavior of the 10:35	5 blue glow is a -- is a blueish-shaded glow that 10:37
6 lists under certain -- you know, which -- which -- 10:35	6 appears at the edge of the document that the user has 10:37
7 which versions of the software the list functionality 10:35	7 reached. 10:37
8 did exhibit certain behaviors. 10:35	8 Q In your opinion, that's an alternative to 10:38
9 MR. AHN: Q. What were the specific issues 10:36	9 what I'm going to refer to as the '381's functionality 10:38
10 that you wanted to discuss with Mr. Kho? Was it just 10:36	10 of showing an area beyond the edge and then snapping 10:38
11 the general operation of the contacts list, or were 10:36	11 back? 10:38
12 there any specific cases or examples that you wanted 10:36	12 A Yes. 10:38
13 to discuss with him? 10:36	13 Q Do you think it's a good alternative? 10:38
14 MR. TUNG: Objection; vague. 10:36	14 MR. TUNG: Objection; vague. 10:38
15 THE WITNESS: It was the general behavior, 10:36	15 THE WITNESS: I think that it's -- I -- I 10:38
16 the overall behavior of the list control that's used 10:36	16 think that it's -- it's a workable alternative. I -- 10:38
17 in the contacts application. 10:36	17 and with my user interface designer hat on, it's -- 10:38
18 There were also questions about the -- 10:36	18 it's probably not as intuitive as the -- the bounce, 10:38
19 certain features, such as, for example, the -- the 10:36	19 but it's certainly better than some other 10:38
20 blue glow and how that -- how that worked, and how the 10:36	20 alternatives. 10:38
21 implementation -- how -- how the implementation -- how 10:37	21 MR. AHN: Q. Why is it not as intuitive as 10:38
22 the implementation went or how -- how -- what -- what 10:37	22 the bounce? 10:38
23 it took in order to implement the blue glow, for 10:37	23 MR. TUNG: Objection; vague. 10:38
24 example. 10:37	24 THE WITNESS: Well, because the user would 10:38
25 MR. AHN: Q. What is blue glow? 10:37	25 have to learn what the blue glow means. 10:38
Page 56	Page 57
1 MR. AHN: Dr. Balakrishnan referred to some 10:39	1 behavior should -- sorry. Let me start over. 10:40
2 user commentary that he had seen on the Internet 10:39	2 Once they decided what the behavior should 10:40
3 regarding the blue glow functionality, and I believe 10:39	3 be -- that is, the blue glow -- implementing it was 10:40
4 he stated that many users were frustrated by it and 10:39	4 not that difficult because what they decided to do was 10:40
5 felt that it wasn't as good as the bounce or the snap 10:39	5 to have the blue glow extend out from the edge the 10:40
6 back functionality. 10:39	6 same distance that the document would have pulled away 10:41
7 Q Do you agree with Dr. Balakrishnan? 10:39	7 from the edge. And so although that calculation is a 10:41
8 A Well, I haven't seen -- I didn't -- I -- I -- 10:39	8 complex calculation, they didn't have to redo that 10:41
9 I guess I don't dis -- agree or disagree with his -- 10:39	9 calculation because it was already done. 10:41
10 his conclusion because I haven't seen that Internet -- 10:39	10 Q Why is that a complex calculation? 10:41
11 those Internet discussions. I'm not aware of Internet 10:39	11 MR. TUNG: Objection; vague. 10:41
12 discussions about the -- the device. 10:39	12 THE WITNESS: I don't actually know why it's 10:41
13 Q For the blue glow, you had mentioned that you 10:39	13 a complex calculation, but he said that it was a 10:41
14 had discussed with Mr. Kho the implementation of that 10:39	14 complex calculation. He -- apparently, there's some 10:41
15 feature; is that correct? 10:40	15 function that's related to the distance that the user 10:41
16 A Yes. 10:40	16 has pulled his finger across the -- across the screen. 10:41
17 Q Can you tell me what he told you in that 10:40	17 And in order to -- the document doesn't -- doesn't 10:41
18 regard. Did he discuss just how it's implemented or 10:40	18 follow necessarily the finger that -- that full -- 10:42
19 how long it took him to develop that functionality? 10:40	19 that full distance. 10:42
20 A He did discuss those things. 10:40	20 And so -- and so the blue glow -- similarly, 10:42
21 Q Okay. Let's take them in order. 10:40	21 the amount that it -- that it extends out from the 10:42
22 Can you tell me about how it's implemented 10:40	22 edge of the document is based on this complex 10:42
23 inside of the contacts application. 10:40	23 function, but he didn't explain to me what the complex 10:42
24 A What he said was that the -- that it 10:40	24 function is. 10:42
25 wasn't -- once they decided on what it -- what the 10:40	25 MR. AHN: Q. When you see the blue glow 10:42

<p style="text-align: right;">Page 58</p> <p>1 itself, is that something that's overlaid on top of 10:42 2 the image? 10:42 3 MR. TUNG: Objection; vague. 10:42 4 THE WITNESS: Yes. 10:42 5 MR. AHN: Q. How do you know that? 10:42 6 A Because I saw it. 10:42 7 Q So it's not something that's, for lack of a 10:42 8 better way of describing it, becoming part of the 10:42 9 image, but it's just some type of layer that's over 10:42 10 the image? 10:42 11 MR. TUNG: Objection; vague. 10:42 12 THE WITNESS: Again, all I know is that the 10:42 13 blue glow appears in the image. I don't know whether 10:43 14 it's implemented with layers because I didn't discuss 10:43 15 that with Mr. Kho. 10:43 16 MR. AHN: Q. Have you ever seen any source 10:43 17 code for the blue glow functionality? 10:43 18 A No. 10:43 19 Q You mentioned that the blue glow itself 10:43 20 appears from the edge of the photograph; is that 10:43 21 right? Strike that. 10:43 22 You mentioned that the blue glow itself would 10:43 23 appear from the edge of, for example, the contacts 10:43 24 list inside the contacts application; is that right? 10:43 25 MR. TUNG: Objection; mischaracterizes 10:43</p>	<p style="text-align: right;">Page 59</p> <p>1 testimony. 10:43 2 THE WITNESS: It would -- it would -- it 10:43 3 would appear from either the top or the bottom of the 10:43 4 list, depending on which -- if you reached the top, it 10:43 5 would appear from the top edge. If you reached the 10:43 6 bottom, it would appear from the bottom edge. 10:44 7 MR. AHN: Q. When you see the blue glow, are 10:44 8 you seeing something that's beyond the edge of the 10:44 9 contacts list? 10:44 10 A No. 10:44 11 Q What are you looking at, then? 10:44 12 A You're looking at the edge of the document or 10:44 13 the edge of the contact list in this case, and you're 10:44 14 looking at a blue glow that is superimposed over 10:44 15 the -- the document edge. 10:44 16 Q You mentioned that Mr. Kho stated that it was 10:44 17 not that difficult to implement the blue glow 10:44 18 functionality. 10:44 19 Did he give you a time frame for how long it 10:44 20 took them to design that functionality? 10:44 21 A No, he did not give me a time frame. 10:44 22 What he said was that deciding -- given the 10:44 23 fact that there was a team of people working together 10:45 24 on -- on this, deciding what the behavior should be is 10:45 25 what took time. And then once they decided, 10:45</p>
<p style="text-align: right;">Page 60</p> <p>1 implementing it did not take much time at all. 10:45 2 Q But he -- 10:45 3 A So there were difference -- there were 10:45 4 differences of opinion on the team as to what the 10:45 5 desired behavior should be. 10:45 6 Q Did he tell you about any of those 10:45 7 differences of opinion? 10:45 8 A No. 10:45 9 Q And he didn't give you a specific time frame 10:45 10 for how long -- long it took to actually implement the 10:45 11 functionality; is that correct? 10:45 12 A Correct. He just said once they decided what 10:45 13 it should do, it was pretty easy to do. 10:45 14 Q Do you agree with him on that? 10:45 15 MR. TUNG: Objection; vague. 10:45 16 THE WITNESS: I have no way of judging 10:45 17 whether he -- I just have to go by what he said. I 10:46 18 don't -- I don't -- I didn't look at the source code. 10:46 19 I mean, he -- what he said was the blue glow extends 10:46 20 out the same distance that the document would have 10:46 21 pulled away from the edge. And so to me, it makes 10:46 22 sense that that wouldn't be difficult. 10:46 23 MR. AHN: Q. Is there anything else that you 10:46 24 discussed with Mr. Kho? 10:46 25 A Yes. I remember asking him questions about 10:46</p>	<p style="text-align: right;">Page 61</p> <p>1 whether there were any situations in which the 10:46 2 contacts list moves in a two-dimensional way. 10:46 3 Q What was his response? 10:46 4 A Well, he said several times during the course 10:46 5 of the conversation that he did not implement the 10:47 6 contacts application. He only implemented the list 10:47 7 functionality, which has built into it a number of 10:47 8 different possible behaviors. But the contacts 10:47 9 application doesn't make use of everything that the 10:47 10 list functionality can do. 10:47 11 One thing that we had noted before we talked 10:47 12 to him was that it is possible to take specific list 10:47 13 items -- in certain versions of the software, it's 10:47 14 possible to take specific list items and move them 10:47 15 left to right, but the list as a whole only moves up 10:47 16 and down. 10:47 17 So we were asking him about other possible 10:47 18 situations in which there could be two-dimensional 10:47 19 motion. 10:47 20 Q Based on your own examination of the Samsung 10:47 21 products, were there any instances in which you could 10:47 22 have the contacts list move in two dimensions? 10:47 23 A The list as a whole -- no. 10:48 24 As I said, we did notice situations in which 10:48 25 specific items could be moved left or right. 10:48</p>

Page 62		Page 63			
1	Q But the list as a whole, it could only be	10:48	1	Q Who was present for that conversation?	10:49
2	moved in one dimension; is that correct?	10:48	2	A On this side, the same counsel. On the other	10:49
3	A Correct.	10:48	3	side, I don't know.	10:49
4	Q I'd like to ask you about the next person who	10:48	4	Q Do you recall how long the conversation was?	10:50
5	is listed in your Exhibit 2. It's Dooju Byun. I'm	10:48	5	A Less than half an hour.	10:50
6	going to ask you the same series of questions.	10:48	6	Q What did you discuss with Mr. Nam?	10:50
7	When did you speak with Mr. Byun?	10:48	7	A Questions similar to the ones that we've	10:50
8	MR. TUNG: Is Dooju Byun listed?	10:48	8	already mentioned for the other applications. So, you	10:50
9	MR. AHN: Yes. It's the third bullet point	10:48	9	know, general behavior, certain -- certain features,	10:50
10	from the bottom of the first page of Exhibit 2.	10:48	10	which versions those features were in.	10:50
11	MR. TUNG: I believe that's a mistake. It	10:48	11	Q And you discussed the gallery application	10:50
12	should be Kihyung Nam, as listed in the report.	10:48	12	with him; is that correct?	10:50
13	MR. AHN: Q. Dr. Johnson, is that accurate?	10:49	13	A Yes.	10:50
14	A That's accurate.	10:49	14	Q Was this conversation interpreted?	10:50
15	Q Okay. So instead of Dooju Byun in your	10:49	15	A I'm going to say no, because I don't	10:51
16	Exhibit 2 towards the bottom, that should be Kihyung	10:49	16	believe -- I think that there were times in some of	10:51
17	Nam?	10:49	17	these conversations -- and unfortunately, I don't	10:51
18	A Yes.	10:49	18	remember which one -- there were times in some of	10:51
19	Q When did you speak with Mr. Nam?	10:49	19	these conversations where the people in Korea had	10:51
20	Actually, before I ask you that, did you ever	10:49	20	trouble understanding what we were asking, and so then	10:51
21	speak with Dooju Byun?	10:49	21	either someone on their end or someone on our end had	10:51
22	A No.	10:49	22	to translate into Korean. But for the most part, the	10:51
23	Q When did you speak with Ki Young Nam?	10:49	23	conversations were conducted in English.	10:51
24	A It was either on that same Monday or on the	10:49	24	But there were some people we talked to who	10:51
25	prior Sunday.	10:49	25	were very fluent in English, and I just don't remember	10:51
Page 64		Page 65			
1	which one was which.	10:51	1	next photograph, which is the next electronic	10:53
2	Q What, in particular, about the gallery did	10:51	2	document.	10:53
3	you discuss?	10:51	3	So you have these photographs which are each	10:53
4	A Well, general behavior. When -- mostly about	10:51	4	electronic documents, and then the whole thing is the	10:53
5	when one would be panning and reach an edge, either an	10:52	5	document that contains the photographs.	10:54
6	internal edge or an external edge, of the document,	10:52	6	Q When you say "the whole thing," you mean the	10:54
7	and whether behavior was different when in zoomed-in	10:52	7	entire gallery of all of the individual photographs?	10:54
8	mode versus not zoomed-in mode, and then the existence	10:52	8	A Yes.	10:54
9	of certain features, as are certain things like hard	10:52	9	Q Do you consider that to be an electronic	10:54
10	stop, blue glow, hold still.	10:52	10	document?	10:54
11	Q You mentioned both internal and external	10:52	11	A Yes.	10:54
12	edges. Can you tell me what you're talking about with	10:52	12	Q And you also consider the individual	10:54
13	those terms in the context of the gallery application.	10:52	13	photographs to be electronic documents?	10:54
14	A Well, the gallery is essentially a -- a --	10:52	14	A Yes.	10:54
15	a -- it's a collection of photographs, and so you're	10:52	15	Q What about a grouping of some of those	10:54
16	looking at photographs. And so you can view the	10:52	16	individual photographs? If you had the first four,	10:54
17	gallery as essentially a -- a film strip, if you will,	10:53	17	would you consider that a separate electronic	10:54
18	of -- of photographs. And so you can pan from one	10:53	18	document?	10:54
19	photograph to the other, and you can also pan across a	10:53	19	A Well, I -- I wasn't asked to consider that	10:54
20	particular photograph.	10:53	20	because there is no case in the gallery where you can	10:54
21	And so when you go from one photograph to	10:53	21	look at more than one -- you're looking basically at	10:54
22	another, that's an internal edge, what I would call an	10:53	22	one picture at a time or you're looking at a stack, I	10:54
23	internal edge. It's -- it's an edge between the	10:53	23	think, of photos that's all of the photos in the --	10:54
24	photograph itself, which is an embedded document	10:53	24	but you can't -- you can't see the content of any	10:54
25	inside the -- the main document, and then -- and the	10:53	25	particular photo.	10:54

<p style="text-align: right;">Page 66</p> <p>1 So I -- I -- I don't know. I haven't really 10:55 2 made an opinion about -- about that. 10:55 3 Q If I simply said I want you to think about 10:55 4 the first four photographs as being a separate 10:55 5 electronic document, would that comport with your 10:55 6 understanding of an electronic document in the sense 10:55 7 of the photo gallery? 10:55 8 MR. TUNG: Objection; incomplete hypothetical 10:55 9 and beyond the scope. 10:55 10 THE WITNESS: You know, I haven't -- I'm 10:55 11 really -- I didn't make an opinion about that in my 10:55 12 report, and so I don't think I want to make up an 10:55 13 opinion on the fly about that. 10:55 14 MR. AHN: Let me try it this way. 10:55 15 Q Let's say there are just a total of four 10:55 16 photographs in the entire photo album. The first two 10:55 17 are pictures of Mr. Tung when he was in college, and 10:55 18 the second two are photographs of Mr. Tung while he 10:56 19 was in law school. 10:56 20 Would you consider the first two photographs 10:56 21 to be a separate electronic document from the second 10:56 22 two photographs? 10:56 23 MR. TUNG: So same objections; beyond the 10:56 24 scope and incomplete hypothetical. 10:56 25 THE WITNESS: I'm -- I'm really -- not really 10:56</p>	<p style="text-align: right;">Page 67</p> <p>1 prepared to -- to comment on that. 10:56 2 The only -- I mean, the only case in which I 10:56 3 would -- you know, there -- it would depend -- the 10:56 4 answer would depend on a lot of things, like, for 10:56 5 example, whether someone can pull out those two 10:56 6 photographs as a unit or not. 10:56 7 MR. AHN: Q. What would make that possible? 10:56 8 MR. TUNG: Same objections. 10:56 9 THE WITNESS: Do you mean in terms of the 10:56 10 user interface? I don't know what you mean. What -- 10:57 11 or in terms of the implementation of the software? 10:57 12 I'm not sure what you're asking, what would make it 10:57 13 possible. 10:57 14 MR. AHN: Sure. 10:57 15 Q You had mentioned that one thing that you'd 10:57 16 have to consider is whether someone can pull out those 10:57 17 two photographs as a unit. And I'm just trying to -- 10:57 18 trying to figure out what you mean by that. 10:57 19 MR. TUNG: So same -- same objections. 10:57 20 THE WITNESS: Well, I could -- I could -- I 10:57 21 could -- I could imagine a photo album in which there 10:57 22 were sections, and some of the sections said, you 10:57 23 know, college years versus law school years, and then 10:57 24 there were photographs in each -- each one. 10:57 25 MR. AHN: Q. So it would depend on the 10:57</p>
<p style="text-align: right;">Page 68</p> <p>1 person who is using the device to make that decision? 10:57 2 MR. TUNG: Objection; mischaracterizes 10:57 3 testimony; beyond the scope; vague; incomplete 10:58 4 hypothetical. 10:58 5 THE WITNESS: No. I think it would depend on 10:58 6 the designer of the application. 10:58 7 MR. AHN: Q. Can you explain what you mean 10:58 8 by that. 10:58 9 MR. TUNG: Same objections. 10:58 10 THE WITNESS: The -- the -- the application 10:58 11 is designed so that -- so that its contents can be 10:58 12 organized in certain ways. So, for example, in most 10:58 13 computer systems we have folders, and we can put 10:58 14 folders inside folders. 10:58 15 MR. AHN: Q. So let's try it this way: If 10:58 16 you had a folder inside the gallery that said "photos 10:59 17 from college," and then there was another folder that 10:59 18 said "photos from law school," you would consider 10:59 19 those to be separate electronic documents; is that 10:59 20 correct? 10:59 21 MR. TUNG: Same -- same objections. 10:59 22 THE WITNESS: I would consider the folders to 10:59 23 be electronic documents, just as the photographs are 10:59 24 electronic documents. 10:59 25 MR. AHN: Q. And if you simply had an entire 10:59</p>	<p style="text-align: right;">Page 69</p> <p>1 gallery full of images, and you looked at the first 10:59 2 column of that and said, "Well, the first column is 10:59 3 going to be my law school photographs; I consider that 10:59 4 to be a separate electronic document," would that make 10:59 5 sense to you? 10:59 6 MR. TUNG: Objection; incomplete 10:59 7 hypothetical; beyond the scope; vague. 10:59 8 THE WITNESS: Yeah, I -- I don't know. 10:59 9 That's a hard question to answer because -- because 10:59 10 regardless of what -- regardless of what the designer 10:59 11 does, sometimes the users have to make up -- they have 11:00 12 to use the device in such a way that allows them to do 11:00 13 things that the designer may not have thought of. 11:00 14 And so -- so, for example, I know from my own 11:00 15 case, when I'm putting together a slide show for my 11:00 16 friends, I'll make sure that I'll allot pictures for 11:00 17 certain -- certain subjects are first, and then other 11:00 18 ones follow. 11:00 19 So whether -- whether the photographs, let's 11:00 20 say, that describe the departure on my vacation are a 11:00 21 separate document from the photographs that describe 11:00 22 the -- that depict the return from my vacation are -- 11:00 23 are separate documents, is sort of in the mind of me, 11:00 24 the user. 11:01 25 MR. AHN: Q. Did you discuss the blue glow 11:01</p>

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1	functionality in the gallery with Mr. Nam? 11:01	1	the -- the area beyond the edge is -- is no longer 11:02
2	A Probably. I'm not sure -- I'm not sure I 11:01	2	displayed. It doesn't necessarily bounce back. 11:03
3	remember whether we discussed blue glow with Mr. Nam. 11:01	3	It -- if you are moving your finger slowly 11:03
4	The main person I remember discussing it with 11:01	4	enough and you let go, it just stays where -- exactly 11:03
5	was Mr. Kho, but I'm not -- I'm not sure. 11:01	5	where it is. 11:03
6	Q Do you know if the blue glow is implemented 11:01	6	Q You just said that it does not bounce back 11:03
7	the same way in the contacts application as it is in 11:01	7	necessarily. Does that mean in some instances -- 11:03
8	the gallery application? 11:01	8	instances it would and in some instances it wouldn't? 11:03
9	A I don't know. 11:01	9	A You have to be moving your finger very slowly 11:03
10	Q And you don't recall if you had that specific 11:01	10	and then let go for it not to bounce back. 11:03
11	discussion with Mr. Nam regarding blue glow and the 11:01	11	Q What do you think of that functionality? 11:03
12	gallery; correct? 11:01	12	MR. TUNG: Objection; vague. 11:03
13	A Correct. 11:01	13	MR. AHN: And by "that functionality," I'm 11:03
14	Q Was there anything else that you remember 11:01	14	referring to the hold still functionality. 11:03
15	discussing with Mr. Nam? 11:02	15	MR. TUNG: It's still -- still vague. 11:03
16	A Hold still. 11:02	16	THE WITNESS: I -- what I thought of it was 11:03
17	Q What do you mean by that? 11:02	17	that it -- let's see. 11:03
18	A The behavior of the gallery in which, when 11:02	18	It's hard to -- it's hard to make it happen. 11:03
19	you drag an image -- when -- first of all, you have to 11:02	19	So my -- my feeling was that it would -- it has a 11:04
20	go into zoomed-in mode. So you're in zoomed-in mode, 11:02	20	certain -- it has a certain purpose. There's a 11:04
21	looking at a picture magnified. 11:02	21	certain purpose behind it, but one would have to know 11:04
22	And when you move your finger slowly and pan 11:02	22	that purpose in order to -- to do it because if you 11:04
23	the picture and the edge of the document is -- the 11:02	23	move your finger too fast, it does bounce back. 11:04
24	edge of the photograph is reached and you let go, it 11:02	24	MR. AHN: Q. What is the purpose of having 11:04
25	does not bounce back necessarily to the -- so that 11:02	25	that functionality? 11:04
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1	MR. TUNG: Objection; vague; beyond the 11:04	1	Mr. Nam, it was clear that it was -- it's not an 11:06
2	scope. 11:04	2	error. It was put in there intentionally. 11:06
3	THE WITNESS: Well, this -- this was a 11:04	3	MR. AHN: Q. Did you ask him if it was a 11:06
4	purpose that was mainly just surmised by me, not by 11:04	4	software defect? 11:06
5	asking Mr. Nam, which is that if you -- if you want to 11:04	5	A Yes. 11:06
6	see some aspect of a photograph that's near the edge, 11:04	6	Q And he told you that it was intentionally 11:06
7	and if you want to see it enlarged, then this -- this 11:04	7	placed in; is that right? 11:06
8	helps you look at it and put it more in the center of 11:05	8	A Yes. 11:06
9	the screen. 11:05	9	Q What else did he say? 11:06
10	If you -- if you didn't have that, then you 11:05	10	A That's about it. 11:06
11	could only look at enlarged views of aspects or 11:05	11	MR. TUNG: Objection -- objection; vague. 11:06
12	objects in a photograph at the edge -- at the edges of 11:05	12	THE WITNESS: Sorry. 11:06
13	the screen. 11:05	13	MR. AHN: Q. You mentioned that you were 11:06
14	MR. AHN: Q. And again, this is something 11:05	14	surprised at first when you saw this functionality. 11:06
15	that you surmised on your own and not something that 11:05	15	Why was that so? 11:06
16	Mr. Nam told you; correct? 11:05	16	A Because I considered it to be an exception to 11:06
17	A Correct. 11:05	17	the -- the normal rule that it would bounce back. 11:06
18	Q Do you think it's a good idea to have this 11:05	18	Q Prior to Mr. Nam telling you about it, had 11:06
19	feature in the photo gallery? 11:05	19	you ever seen that functionality before? 11:07
20	MR. TUNG: Objection; vague and beyond the 11:05	20	A Yes, I had seen it before. I stumbled across 11:07
21	scope. 11:05	21	it, basically, you know, just moving the thing around, 11:07
22	THE WITNESS: I don't know. I was surprised 11:05	22	and there were some times when it didn't bounce back. 11:07
23	by it at first. But I was -- I just came to the 11:05	23	And then I had to sort of try to figure out what I had 11:07
24	conclusion that there -- there -- that there had to be 11:06	24	done to make it not bounce back. 11:07
25	a reason for it because in my conversations with 11:06	25	Q From a human/computer interface standpoint, 11:07

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1	do you think this is a desirable functionality? 11:07	1	photographs, and there are no photographs there. It's 11:08
2	MR. TUNG: Objection; vague and beyond the 11:07	2	just an empty screen. So we -- in user interface, 11:08
3	scope. 11:07	3	that's considered not good. 11:09
4	THE WITNESS: Well, as I said, it's -- it at 11:07	4	But navigating fully off screen, I -- I 11:09
5	first surprised me, and I considered it an 11:07	5	haven't heard a term for that before. 11:09
6	inconsistency and a flaw. But I could see that it 11:07	6	Q When you say "tabula rasa," could that be 11:09
7	would have some value, some purposes in some 11:07	7	interpreted as clean slate? 11:09
8	situations. 11:07	8	MR. TUNG: Objection; vague. 11:09
9	MR. AHN: Q. Have you ever heard of 11:07	9	THE WITNESS: Yes, right, another word for it 11:09
10	something -- strike that. 11:07	10	could be clean slate. 11:09
11	Have you ever heard of a phenomenon called 11:08	11	MR. AHN: Q. And why would you consider that 11:09
12	desert fog in the field of user interfaces? 11:08	12	not good? 11:09
13	A No. 11:08	13	MR. TUNG: Objection; vague and beyond the 11:09
14	Q Maybe there's some other terminology that you 11:08	14	scope. 11:09
15	use. 11:08	15	THE WITNESS: Well, the typical situation, 11:09
16	But with the user interface, if a user can 11:08	16	for example, is you start an application, and the 11:09
17	navigate away from all content, essentially into 11:08	17	application is about something, let's say creating 11:09
18	screen space where there is nothing, is there a 11:08	18	documents or -- yeah. And the application comes up 11:09
19	certain time or phrase that you use to describe that 11:08	19	and there are some menus, but there's blank space in 11:09
20	experience? 11:08	20	the middle. Users are often at a loss for what to do 11:09
21	A I haven't heard that term. 11:08	21	next without some guidance. 11:10
22	There's -- there's a similar situation that 11:08	22	So I, as a designer, would tend to advocate 11:10
23	I've come across many times in user interfaces which 11:08	23	filling the middle of the -- filling the display with 11:10
24	is generally called tabula rasa, which is you start an 11:08	24	some document, whether it was one that they created or 11:10
25	application that's supposedly about, let's say, 11:08	25	not. They could replace the content of that document 11:10
Page 76		Page 77	
1	if they wanted to. 11:10	1	Q Was that conversation interpreted? 11:11
2	MR. AHN: Q. Was there anything else that 11:10	2	A No. 11:11
3	you discussed with Mr. Nam? 11:10	3	Q And I'm assuming the -- it was the same 11:11
4	A That's probably about it. 11:10	4	participants, Mr. Tung, as well as potentially some 11:11
5	Q Let me move on to the last person that you 11:10	5	Samsung counsel? 11:12
6	had a telephone conference with. In Exhibit 2 you 11:10	6	A I don't recall who was on the other side. 11:12
7	refer to Mr. Sehyun Kim, and he's also referenced in 11:10	7	Q Do you recall approximately the number of 11:12
8	the table on page 37 of your report. 11:11	8	people who were on the phone? 11:12
9	A Yes. 11:11	9	A No. I -- I -- I don't know whether there was 11:12
10	Q When did you speak with Mr. Kim? 11:11	10	anyone else with Sun Young Kim or not. I just don't 11:12
11	A On that same Monday. 11:11	11	know. I don't recall anyone else on his side of the 11:12
12	Q I understand that Mr. Kim is an employee of 11:11	12	phone, but I could be wrong. 11:12
13	ThinkFree, the software maker, and not of Samsung; 11:11	13	Q Was this conversation also less than 11:12
14	does that sound correct to you? 11:11	14	30 minutes? 11:12
15	A Yes. In fact, I think he may have been an 11:11	15	A Yes. It was quite short. 11:12
16	employee of ThinkFree Office. I'm not sure he still 11:11	16	Q What did you discuss with Mr. Kim? 11:12
17	is. 11:11	17	A The behavior of the ThinkFree Office pdf 11:12
18	Q At the time that you spoke with him? 11:11	18	viewer and how -- how it behaves in certain 11:12
19	A Yes. 11:11	19	situations, and also whether there are any differences 11:13
20	Q I hope it's not in connection with this 11:11	20	in its behavior in certain versions. 11:13
21	litigation. 11:11	21	Q Let's discuss that last part first. Were 11:13
22	When you spoke with Mr. Kim, that was 11:11	22	there any differences in its behavior in certain 11:13
23	approximately two Mondays ago or the Sunday before two 11:11	23	versions that you discussed with Mr. Kim? 11:13
24	Mondays ago? 11:11	24	A Well, in some cases the -- in some cases, it 11:13
25	A Yes. 11:11	25	scrolls vertically, and in some cases it scrolls 11:13

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1 something displayed beyond the edge of the document. 13:38	1 to the electronic document in order to be beyond its 13:39
2 MR. AHN: Q. And again, your opinion that 13:38	2 edge. 13:39
3 this is not an area beyond the edge is because it is 13:38	3 MR. TUNG: Objection; mischaracterizes 13:39
4 not directly next to the document? 13:38	4 testimony. 13:39
5 A Correct. 13:38	5 THE WITNESS: The -- the elements of Claim 1 13:39
6 Q Is there anything that is next to the 13:38	6 of the patent say that in response to an edge of the 13:39
7 document when you move it partially off screen? 13:38	7 screen -- the edge of the document being reached, an 13:39
8 MR. TUNG: Objection; vague. 13:38	8 area beyond the edge of the document is displayed. 13:39
9 THE WITNESS: I don't -- I don't -- not 13:38	9 So what that means to me is at the time in 13:40
10 having reviewed that code or discussed that with the 13:38	10 which some -- the area -- the edge of the document is 13:40
11 engineer, I -- I don't really know. I just assume 13:38	11 reached, something -- some software does something to 13:40
12 that there's -- there's transparency in the layer that 13:38	12 display something. 13:40
13 the document is in so that we can see the layer -- the 13:38	13 And what the software is doing is moving the 13:40
14 background layer. 13:38	14 document aside and letting -- allowing the -- in the 13:40
15 MR. AHN: Q. Why does the area beyond the 13:38	15 Samsung phones, the -- the Samsung devices, it's 13:40
16 edge need to be next to the electronic document? 13:38	16 moving the -- the document aside and allowing the 13:40
17 MR. TUNG: Objection; vague. 13:39	17 background to be seen. 13:40
18 THE WITNESS: I'm not sure what you're 13:39	18 And that background was set up at the 13:40
19 asking. What -- why -- for -- I mean, why for what? 13:39	19 beginning of the application, not in -- in response to 13:40
20 MR. AHN: Q. Well, your opinion seems to be 13:39	20 reaching the edge of the document. 13:40
21 that if something is displayed that's behind an 13:39	21 MR. AHN: Q. Is the background being 13:40
22 electronic document but was not previously visible, it 13:39	22 displayed when you can't see it? 13:40
23 does not qualify as being beyond the edge of that 13:39	23 A It's not being -- it's not being -- it's not 13:41
24 document when it becomes visible. So it seems that 13:39	24 visible to the user. It's -- so in that sense, it's 13:41
25 your opinion is that something has to be directly next 13:39	25 not being displayed. 13:41
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1 Q Is there anything else you recall about your 13:41	1 A Well, based on my conversations with the 13:44
2 discussion with Sun Young Kim from ThinkFree? 13:41	2 Samsung engineers, it was implemented sometime in -- I 13:44
3 A I think I just mentioned two things. One is 13:41	3 believe they said it was sometime in 2011, but I -- 13:44
4 that -- no. Well, all I can remember -- all I 13:41	4 I'm not -- I'm not really sure. I -- they didn't 13:44
5 remembered with my conversation with him is we just 13:41	5 mention a specific date. They just talked about the 13:44
6 discussed backgrounds. 13:41	6 sort of time of the year. I think it was early 2011. 13:44
7 And the other thing that I remembered was 13:41	7 I don't -- I'm not actually positive about that. 13:44
8 that I have seen source code for that -- for that 13:41	8 Q You yourself have not seen the source code 13:44
9 application, which I wasn't sure I had seen before. 13:41	9 for that functionality; is that correct? 13:44
10 Q Is that listed in the materials considered in 13:41	10 A That's correct. 13:45
11 your expert report? 13:41	11 Q You also offered the opinion that this is not 13:45
12 A Well, let's see. Whoops. Wrong document. 13:41	12 a particularly complicated design-around, that it was 13:45
13 I don't see it listed here. I think that it 13:42	13 fairly easy to implement; do you recall that? 13:45
14 mentions in -- in the report that I viewed source 13:42	14 A Yes. 13:45
15 code. Let's see. ThinkFree Office. Let me just look 13:42	15 Q Would implementing that type of functionality 13:45
16 here. Materials considered. 13:43	16 be something that was well known by people in the 13:45
17 Right now, I'm not finding where it -- it 13:43	17 field? 13:45
18 mentions in here that I considered some soft -- some 13:43	18 MR. TUNG: Objection; vague. 13:45
19 of the source code for ThinkFree Office. 13:43	19 THE WITNESS: People in what field? 13:45
20 Q Okay. Let me ask you a little bit more about 13:43	20 MR. AHN: In the field of user interfaces, 13:45
21 the blue glow design-around that we previously 13:43	21 human/computer interaction. 13:45
22 discussed. 13:44	22 MR. TUNG: Objection; vague. 13:45
23 A Uh-huh. 13:44	23 THE WITNESS: Well, as I said, the Samsung 13:45
24 Q Do you know when that functionality was 13:44	24 engineers told me that it took them a while to figure 13:45
25 implemented in Samsung's devices? 13:44	25 out on -- among their team what the -- what the design 13:45

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<p>1 should be. And then once they designed -- figured 13:45 2 that out, then they -- implementing it was not hard. 13:46</p>	<p>1 introduction, it says that it's trying to solve the 13:47 2 problem of the user knowing that they received -- 13:47</p>
<p>3 I don't think there was any -- from that, 13:46 4 I -- I am saying that I am -- I'm getting that 13:46 5 there's -- there wasn't sort of a preconceived idea of 13:46 6 what the design should be. And certainly, in my 13:46 7 experience before, I haven't seen that kind of a way 13:46 8 of indicating that you've reached the edge of a 13:46 9 document. 13:46</p>	<p>3 reached the end of the document. 13:47 4 MR. AHN: Q. Do you think that was an issue 13:47 5 prior to the '381 patent? 13:47 6 A Yes. 13:47 7 Q Why? 13:47 8 A Because users would reach ends of documents 13:47 9 and need some feedback that they reached the end. 13:47</p>
<p>10 MR. AHN: Let me turn now to the '381 patent 13:46 11 itself. 13:46</p>	<p>10 Q Do you recall what types of feedback or lack 13:47 11 of feedback that existed prior to the '381 patent? 13:47</p>
<p>12 Q You previously testified that you had a 13:46 13 general understanding what the patent was about, and I 13:46 14 think you said that it offered visual feedback 13:46 15 regarding reaching the end of an electronic document; 13:46 16 is that accurate? 13:46</p>	<p>12 MR. TUNG: Objection; vague and beyond the 13:47 13 scope. 13:47 14 THE WITNESS: Well, prior to the '381 patent, 13:47 15 I'm not sure. I mean, prior to bounce, there were -- 13:48 16 there was -- there were user interfaces that did 13:48 17 nothing, that basically did a hard stop. 13:48</p>
<p>17 A Yes. It's a patent about displaying -- yes. 13:46 18 It's giving users visual feedback when they reach the 13:47 19 edge of a -- edge of a document. 13:47</p>	<p>18 There -- I don't know what other -- you know, 13:48 19 typically in a word processor, let's say Microsoft 13:48 20 Word, when you reach the end of the document, it 13:48 21 stops. 13:48</p>
<p>20 Q Do you know what problem the '381 patent was 13:47 21 trying to solve? 13:47</p>	<p>20 But you weren't scrolling by dragging your 13:48 21 finger. You were scrolling by pulling a scroll bar on 13:48 22 the side of the screen, and that was usually in the 13:48 23 opposite direction that the document was moving. So 13:48</p>
<p>22 MR. TUNG: Objection; vague. 13:47 23 THE WITNESS: Well, it says in the 13:47 24 specification it was trying to solve -- or in the -- 13:47 25 in the -- in the beginning of the patent, in the 13:47</p>	<p>22 MR. TUNG: Objection; vague; beyond the 13:49 23 scope. 13:49 24 THE WITNESS: It has -- it has its 13:49 25 disadvantages. Some of the disadvantages are that 13:49 26 maybe he -- you can't tell if your device has frozen, 13:49 27 but it was pretty standard for a very long time. 13:49 28 But usually there would be some other 13:49 29 indicator that you had reached the end besides the 13:49 30 fact that the document stopped; for example, the 13:49 31 position of the scroll bar. 13:49 32 MR. AHN: Q. And, for example, if the scroll 13:50 33 bar were at the bottom, you would know that there's 13:50 34 nothing more to go to without necessarily having to 13:50 35 try to move the document; correct? 13:50</p>
<p>Page 136</p>	<p>Page 137</p>
<p>1 there wasn't such a direct connection, sort of a 13:48 2 hand/eye coordination kind of a thing, connection. 13:48</p>	<p>1 that was attached to Dr. Balakrishnan's opening 13:50 2 report. And I understand that you have reviewed these 13:50 3 in connection with reviewing his report. 13:50</p>
<p>3 So -- so in answer to your answer, before the 13:48 4 bounce became -- came into use, I don't know -- other 13:49 5 than hard stop, I don't know what other approaches 13:49 6 were used. 13:49</p>	<p>4 Can we go off the record for one second. 13:50 5 THE VIDEOGRAPHER: The time is 1:51 p.m., and 13:50 6 we are off the record. 13:50 7 (Recess taken.) 13:51 8 THE VIDEOGRAPHER: The time is 1:53 p.m., and 13:52 9 we are on the record. 13:52 10 (Document marked J. Johnson Exhibit 1 13:52 11 for identification.) 13:52</p>
<p>7 MR. AHN: Q. Is the hard stop a desirable 13:49 8 form of feedback? 13:49</p>	<p>12 MR. AHN: Dr. Johnson, I've handed you what 13:52 13 has been marked as Exhibit No. 1. Exhibit No. 1 is a 13:52 14 translation that was included as an exhibit to 13:52 15 Dr. Balakrishnan's opening report on infringement, 13:52 16 bearing the Bates Nos. SAMNDCA508318 through 508400, 13:52 17 and its excerpts in that Bates range. 13:53</p>
<p>9 MR. TUNG: Objection; vague; beyond the 13:49 10 scope. 13:49</p>	<p>18 MR. TUNG: So was the translation previously 13:53 19 produced? 13:53 20 MR. AHN: Yes. 13:53 21 Q Have you seen this document before, 13:53 22 Dr. Johnson? 13:53 23 A No. 13:53 24 Q I'll represent to you that this was included 13:53 25 with Dr. Balakrishnan's opening expert report. And I 13:53</p>
<p>11 THE WITNESS: It has -- it has its 13:49 12 disadvantages. Some of the disadvantages are that 13:49 13 maybe he -- you can't tell if your device has frozen, 13:49 14 but it was pretty standard for a very long time. 13:49</p>	<p>20 MR. AHN: Yes. 13:53 21 Q Have you seen this document before, 13:53 22 Dr. Johnson? 13:53 23 A No. 13:53 24 Q I'll represent to you that this was included 13:53 25 with Dr. Balakrishnan's opening expert report. And I 13:53</p>
<p>15 But usually there would be some other 13:49 16 indicator that you had reached the end besides the 13:49 17 fact that the document stopped; for example, the 13:49 18 position of the scroll bar. 13:49</p>	<p>20 MR. AHN: Yes. 13:53 21 Q Have you seen this document before, 13:53 22 Dr. Johnson? 13:53 23 A No. 13:53 24 Q I'll represent to you that this was included 13:53 25 with Dr. Balakrishnan's opening expert report. And I 13:53</p>
<p>19 MR. AHN: Q. And, for example, if the scroll 13:50 20 bar were at the bottom, you would know that there's 13:50 21 nothing more to go to without necessarily having to 13:50 22 try to move the document; correct? 13:50</p>	<p>20 MR. AHN: Yes. 13:53 21 Q Have you seen this document before, 13:53 22 Dr. Johnson? 13:53 23 A No. 13:53 24 Q I'll represent to you that this was included 13:53 25 with Dr. Balakrishnan's opening expert report. And I 13:53</p>
<p>23 A Correct. 13:50 24 MR. AHN: I'm going to hand you what I'll 13:50 25 mark as Exhibit No. 1. Exhibit No. 1 was a document 13:50</p>	<p>20 MR. AHN: Yes. 13:53 21 Q Have you seen this document before, 13:53 22 Dr. Johnson? 13:53 23 A No. 13:53 24 Q I'll represent to you that this was included 13:53 25 with Dr. Balakrishnan's opening expert report. And I 13:53</p>

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<p>1 THE WITNESS: Yeah -- yeah, I'm not going to 14:04 2 speculate about what the motivation -- all I see is 14:04 3 that they said, "We need to provide a fun visual 14:04 4 effect because they do." And like I said, there are 14:04 5 other fun visual effects that you could provide. 14:05 6 MR. AHN: Q. So Dr. Johnson, I've seen a 14:05 7 number of papers that you've authored, as well as some 14:05 8 of the academic articles and books, and I think I've 14:05 9 seen things where you have side-by-side comparisons 14:05 10 and you say, "This form of visual feedback is more 14:05 11 effective than this other example here, and I would 14:05 12 suggest that as you design a user interface, you adopt 14:05 13 form A instead of form B." 14:05 14 Is that a fair representation of some of your 14:05 15 work? 14:05 16 A I have done that. 14:05 17 MR. TUNG: Objection -- objection; vague. 14:05 18 THE WITNESS: Sorry. 14:05 19 In some of my writings, I have put user 14:05 20 interfaces side by side and showed that one -- or 14:05 21 described one as being better than the other. 14:05 22 MR. AHN: Looking at the page ending in '383 14:05 23 in Exhibit I, does this appear to be the same type of 14:05 24 comparison suggesting the adoption of one form of 14:06 25 visual feedback over another? 14:06</p>	<p>1 MR. TUNG: Objection; beyond the scope and 14:06 2 still calls for speculation. 14:06 3 THE WITNESS: This compares two user 14:06 4 interfaces, suggests that one of them is better than 14:06 5 the other, and then offers a design -- or direction 14:06 6 for improvement, which -- which is more general than a 14:06 7 direction to do the same thing as the iPhone does. 14:06 8 MR. AHN: Q. Based on your review of the 14:06 9 products that have been accused of infringement in 14:06 10 this case, have you seen a bounce effect on any of 14:06 11 those Samsung products? 14:06 12 MR. TUNG: Objection; vague and compound. 14:06 13 THE WITNESS: Yes. That is to say, some of 14:06 14 the phones that I have looked at have -- getting to 14:06 15 the edge of the document will execute a bounce. 14:07 16 Whether it's the bounce covered in the '381 patent is 14:07 17 another question. 14:07 18 MR. AHN: Q. Will you agree with me that the 14:07 19 bounce that you have seen on those Samsung products is 14:07 20 similar to the bounce that you see on the iPhone, for 14:07 21 example? 14:07 22 MR. TUNG: Objection; beyond the scope. 14:07 23 THE WITNESS: Well, the thing is, similarity 14:07 24 is relative, you know. The problem is, we're talking 14:07 25 about a patent case here, and so we're looking at 14:07</p>
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<p>1 things with a fine-toothed comb, whereas similarity 14:07 2 from the point of view of my grandmother might be a 14:07 3 different -- might be different. 14:07 4 To my grandmother, Microsoft Windows looks 14:07 5 the same whether it's displayed on a Macintosh or a 14:07 6 Windows PC, but not to me. 14:07 7 MR. AHN: Q. Well, let's try it this way: 14:08 8 To a person of ordinary skill in the art, would the 14:08 9 bounce feature that you have seen in Samsung's 14:08 10 products appear similar to the bounce feature that you 14:08 11 have seen in Apple's iPhone? 14:08 12 MR. TUNG: Objection; vague and beyond the 14:08 13 scope. 14:08 14 THE WITNESS: A lot of my report is -- is -- 14:08 15 is spent describing ways in which the bounce in 14:08 16 Samsung -- some of Samsung's products is -- differs 14:08 17 from the -- this bounce described in the '381 patent. 14:08 18 So -- but you asked me to compare it against an 14:08 19 iPhone, and I can't really because I -- my experience 14:08 20 with the iPhone is limited. 14:08 21 MR. AHN: Any iOS device. 14:08 22 MR. TUNG: Objection; vague and beyond the 14:08 23 scope. 14:08 24 THE WITNESS: Still limited. 14:08 25 MR. AHN: Q. Sitting here today, do you have 14:08</p>	<p>1 an opinion as to whether or not the bounce effect that 14:08 2 you've seen in an accused Samsung product is similar 14:08 3 to the bounce effect that you've seen in any Apple iOS 14:09 4 device? 14:09 5 MR. TUNG: Objection; vague and beyond the 14:09 6 scope. 14:09 7 THE WITNESS: The only Apple iOS devices I 14:09 8 know of are the iPod Touch, the iPhone and the iPad, 14:09 9 and I've -- I've seen bounce effects in those. I've 14:09 10 seen some bounce effects in some Samsung products. 14:09 11 I've also seen alternatives to bounce effects in 14:09 12 Samsung products. 14:09 13 Whether the Samsung products that have bounce 14:09 14 effects are similar or not, like -- as I said, in my 14:09 15 report I describe ways in which they are not similar, 14:09 16 such as hold still behavior and blue glow -- actually, 14:09 17 that's not a -- I wouldn't call that a bounce 14:10 18 effect -- so the hold still behavior and the snap 14:10 19 forward behavior. 14:10 20 MR. AHN: Q. So is your opinion that the two 14:10 21 bounce effects that I mentioned in my question, that 14:10 22 for the Samsung Accused Products and that for Apple's 14:10 23 iOS devices are not similar? 14:10 24 MR. TUNG: Same objections. 14:10 25 THE WITNESS: Well, again, you know, 14:10</p>

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1	similarity when we're discussing questions of 14:10	1	exhibit that was attached to Dr. Balakrishnan's 14:12
2	infringement is a different issue from when we're 14:10	2	opening report. This is a translation with the Bates 14:12
3	discussing, you know, do I move my finger in the same 14:10	3	label SAMNDCA176053 through '176125. And again, I 14:12
4	way or not. And so -- so it's hard -- you know, it's 14:10	4	believe this is excerpts from that complete range. 14:12
5	hard for me to answer that question. 14:11	5	(Document marked J. Johnson Exhibit 2 14:13
6	MR. AHN: Let me try it this way. I 14:11	6	for identification.) 14:13
7	understand that in your report, you pointed out 14:11	7	MR. AHN: Q. Have you ever seen Exhibit 2 14:13
8	various features or functionalities on the Samsung 14:11	8	before? 14:13
9	devices that lead you to believe that many, if not all 14:11	9	A No. 14:13
10	of them, do not infringe any of the claims of the 14:11	10	Q I just want to direct your attention to the 14:13
11	'381 patent. 14:11	11	page ending in '125. It's actually the last page of 14:13
12	Q Setting those specific issues aside, do you 14:11	12	this document. There is a similar side-by-side 14:13
13	believe that the bounce functionality that you have 14:11	13	analysis here. At the top, it states: 14:13
14	seen on Samsung's devices is similar to the bounce 14:11	14	"Issue 51. Browser." 14:13
15	functionality on Apple iOS devices? 14:11	15	Underneath that, it states: 14:13
16	MR. TUNG: Objection; vague; compound and 14:11	16	"During topmost/bottommost/diagonal 14:13
17	beyond the scope. 14:11	17	movements, there is no springing bounce effect." 14:13
18	THE WITNESS: I think I'm going to rephrase 14:11	18	Do you see that? 14:13
19	your question and say -- say, have I seen bounce -- 14:11	19	A Yes. 14:13
20	have I seen bounce behavior on Samsung devices? And 14:11	20	Q On the left, it states "P5," and below that, 14:13
21	the answer to that is yes. 14:12	21	it states: 14:13
22	Whether it's similar or not is a question 14:12	22	"During the topmost/bottommost/diagonal 14:13
23	of -- of, you know, a law, I think. 14:12	23	movements, there is no bounce effect in the header and 14:13
24	MR. AHN: I'm going to hand you what I have 14:12	24	menu sections." 14:13
25	marked as Exhibit No. 2. Exhibit No. 2 is another 14:12	25	On the right, there is a picture of an iPad 2 14:13
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1	screen capture, and it states: 14:13	1	MR. TUNG: So same objections. 14:14
2	"In the case of iPad 2, there is a fun 14:13	2	THE WITNESS: I -- I -- they're depicting 14:15
3	element from a natural bounce effect that follows hand 14:14	3	the -- the -- the something P5. There's -- there's 14:15
4	gestures." 14:14	4	something overlaying the labels that are supposed to 14:15
5	Do you see that? 14:14	5	be here, but they're just depicting something on the 14:15
6	A Yes. 14:14	6	left. 14:15
7	Q And actually, above that, next to the word 14:14	7	And the iPad 2 fun element that follows hand 14:15
8	"iPad 2," it states "proposed improvement." 14:14	8	gestures on the -- on the right, I'm a little -- I'm a 14:15
9	Do you see that as well? 14:14	9	little mystified by why it's necessary here to show 14:15
10	A I see that. 14:14	10	two edges being exposed as opposed to just one because 14:15
11	Q What is your understanding of what's being 14:14	11	the -- but -- but they are showing two edges being 14:15
12	depicted here on the page ending in '125? 14:14	12	exposed. 14:15
13	MR. TUNG: Objection; vague; beyond the scope 14:14	13	MR. AHN: Q. What do you mean by you're 14:15
14	and lacks foundation. 14:14	14	mystified by that? 14:16
15	THE WITNESS: Well, you know, I haven't seen 14:14	15	A Well, I mean, it would seem that if they were 14:16
16	this before. I mean, usually when I do user interface 14:14	16	just trying to make a point about bounce, then they 14:16
17	evaluations and describe -- discuss and evaluate 14:14	17	could do it by showing one edge and not complicate the 14:16
18	designs in detail, I -- you know, I spend a day or two 14:14	18	issue. 14:16
19	looking at -- at things before I make -- make 14:14	19	Q Does it appear that what is being analyzed 14:16
20	comments. 14:14	20	here is the bounce effect on the iPad 2? 14:16
21	But your -- your -- so your question was, 14:14	21	MR. TUNG: Objection; vague; incomplete 14:16
22	what do I -- what was -- what was your question? What 14:14	22	hypothetical; beyond the scope. 14:16
23	is the purpose of this page? 14:14	23	THE WITNESS: That's -- that appears to be 14:16
24	MR. AHN: Q. Just what is your understanding 14:14	24	what is depicted. I can't really tell because this is 14:16
25	of what's being depicted here? 14:14	25	not a video. But it's showing the area beyond the 14:16

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<p>1 edge of the page being displayed, and it says "natural 14:16 2 bounce effect." So I'm assuming that's what's being 14:16 3 depicted on the right. 14:16 4 I don't know what's being depicted on the 14:16 5 left. I don't know what the P5 stands for. It seems 14:16 6 like something is covered up there. 14:16 7 MR. AHN: Q. The yellow box that's sitting 14:17 8 on top of it, it states "bounce effect scheduled for 14:17 9 review"; do you see that? 14:17 10 A Yes. 14:17 11 Q And then in the upper right-hand corner, 14:17 12 there is an exclamation mark and the word "serious." 14:17 13 Do you see that? 14:17 14 A I see that. 14:17 15 Q Does this suggest to you that Samsung 14:17 16 considered the bounce effect as it exists on Apple's 14:17 17 devices to be something that needed to be studied and 14:17 18 that was a serious user interface issue? 14:17 19 MR. TUNG: Objection; mischaracterizes 14:17 20 document; vague; lacks foundation and beyond the 14:17 21 scope. 14:17 22 THE WITNESS: You know, the thing is, if 14:17 23 you -- if someone sits down and describes to me what 14:17 24 the document contains, then I might understand it. 14:17 25 But, you know, you put it in front of me, and then you 14:17</p>	<p>1 ask me to say what I think it's saying. 14:17 2 Without -- without sort of -- some sort of 14:17 3 introduction into the -- you know, the content of 14:17 4 this -- this -- this document, you know, my feeling is 14:18 5 that you have some idea what this document is trying 14:18 6 to portray, and you're showing it to me. 14:18 7 But I'm -- I'm -- I'm like a new -- new user 14:18 8 coming to this for the first time, and so I -- I -- 14:18 9 I'm not as -- I can't read as much into what I see as 14:18 10 perhaps you and others can. 14:18 11 MR. AHN: So I don't want to put any words in 14:18 12 your mouth. I'm just asking for your reactions. 14:18 13 Q Based on seeing this document for the first 14:18 14 time today, what is your impression of what is being 14:18 15 depicted here? 14:18 16 MR. TUNG: So objection; it's vague; beyond 14:18 17 the scope. 14:18 18 THE WITNESS: You're showing me one page of a 14:18 19 multipage document. Are there -- are there other 14:18 20 pages of this document I should look at in order -- is 14:18 21 there some kind of description? 14:18 22 Usually, these kind of things have a -- an 14:18 23 executive summary or something in them to tell me -- 14:19 24 tell me what the purpose was. 14:19 25 I don't see anything like that. "Evaluation 14:19</p>
<p>Page 156</p> <p>1 summary." I see those words, but I'm just looking at 14:19 2 page -- the last page. I see two user interface 14:19 3 screen shots being compared side by side and the 14:19 4 words, in the case of the iPad 2: 14:19 5 "There's a fun element from a natural bounce 14:19 6 effect that follows hand gestures." 14:19 7 MR. AHN: It looks like we need to change the 14:19 8 tape. Let's go off the record. 14:19 9 THE VIDEOGRAPHER: This marks the end of 14:19 10 Volume I, Disc 2, in the deposition of Jeffrey 14:19 11 Johnson. 14:19 12 The time is 2:20 p.m., and we are off the 14:19 13 record. 14:19 14 (Recess taken.) 14:19 15 THE VIDEOGRAPHER: This marks the beginning 14:36 16 of Volume I, Disc 3 in the deposition of Jeffrey 14:36 17 Johnson. 14:36 18 The time is 2:37 p.m., and we are on the 14:36 19 record. 14:36 20 MR. AHN: Dr. Johnson, just before we went on 14:36 21 the break, we were discussing Exhibit 2, and you were 14:36 22 asking for any type of overview information that might 14:37 23 be part of this document. 14:37 24 I want to direct your attention to the page 14:37 25 ending in '055, either the third or the fourth page of 14:37</p>	<p>Page 157</p> <p>1 the document. And there, as you noted, it states 14:37 2 there is an evaluation summary as well as a major 14:37 3 usability problem area. 14:37 4 Q Is this the type of information that you were 14:37 5 asking about? 14:37 6 MR. TUNG: Objection; vague and beyond the 14:37 7 scope. 14:37 8 THE WITNESS: This is the sort of information 14:37 9 I was asking about. Usually in the documents that I 14:37 10 produce, there's an executive summary that sort of 14:37 11 indicates the purpose of the research and then 14:37 12 summarizes the results. 14:37 13 MR. AHN: Q. I think if you look at the 14:37 14 final bullet point on this page, where it states: 14:37 15 "GUI and visual effect are lacking in 14:37 16 comparison to iPad 2 (gallery, music, memo calendar)." 14:38 17 Do you see that? 14:38 18 A I see that. 14:38 19 Q Does that give you some sense as to what the 14:38 20 overall purpose of this document is? 14:38 21 MR. TUNG: Objection; vague and beyond the 14:38 22 scope. 14:38 23 THE WITNESS: It gives me some sense of one 14:38 24 of the -- some of the findings of this document. 14:38 25 Whether that was what they set out to do, I don't 14:38</p>

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1 know. But I see that one of the bullet points is: 14:38	1 scope. 14:39
2 "The GUI and visual effect are lacking in 14:38	2 THE WITNESS: It tells me that we're looking 14:39
3 comparison to iPad 2." 14:38	3 at some kind of a user interface evaluation and 14:39
4 I see that. 14:38	4 competitive analysis comparison document. 14:39
5 MR. AHN: Q. Actually, on the next page of 14:38	5 MR. AHN: Q. Does this suggest to you, using 14:40
6 this exhibit, there is a heading No. 2 stating "major 14:38	6 your language, that Samsung was conducting a 14:40
7 problem areas"; do you see that? 14:38	7 competitive analysis of the iPad 2 in connection with 14:40
8 A Yes. 14:38	8 the bounce feature? 14:40
9 Q And then if you flip through the next couple 14:38	9 MR. TUNG: Objection; vague; mischaracterizes 14:40
10 of pages, it goes through, my guess is, what are a 14:38	10 the document and beyond the scope. 14:40
11 number of major problem areas, according to the 14:38	11 THE WITNESS: It's -- that's -- that's 14:40
12 author. And then when you get to the page ending 14:38	12 possible. I don't know what a P5 is, however. So 14:40
13 in '073, there is another heading which states: 14:39	13 they're talking about P5. I don't know what that is. 14:40
14 "3. Detailed issues for application." 14:39	14 MR. AHN: I'll represent to you that the P5 14:40
15 Do you see that? 14:39	15 is a code name for a Samsung device. 14:40
16 A Yes. 14:39	16 THE WITNESS: Okay. 14:40
17 Q And then flipping through the rest of the 14:39	17 MR. AHN: Q. Using that representation, does 14:40
18 document, you will see that there is an issue 1, 14:39	18 this suggest to you that Samsung was conducting a 14:40
19 issue 2. It jumps next to issue 20 and then issue 51, 14:39	19 competitive analysis of a device that it was 14:40
20 which is the last page of this excerpt. 14:39	20 developing as compared to the iPad 2 and its bounce 14:40
21 A Issue 1, issue 2, issue 20, issue 51. 14:39	21 feature? 14:40
22 Q With that in mind, does that give you a sense 14:39	22 MR. TUNG: Objection; vague; mischaracterizes 14:40
23 as to what we're looking at here on the page ending 14:39	23 the document and beyond the scope. 14:40
24 in '125? 14:39	24 THE WITNESS: They were conducting a 14:40
25 MR. TUNG: So objection; vague and beyond the 14:39	25 competitive analysis of the P5 versus the iPad 2. I 14:41
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1 think I can say that. 14:41	1 whether these devices -- the accused devices infringe 14:42
2 MR. AHN: Q. Does this document surprise you 14:41	2 on the patent. 14:42
3 in any way? 14:41	3 MR. AHN: Q. Does this document suggest to 14:42
4 MR. TUNG: Objection; vague; beyond the 14:41	4 you that Samsung has copied any portion of the user 14:42
5 scope. 14:41	5 interface of an Apple product? 14:42
6 THE WITNESS: Dr. Balakrishnan referred to 14:41	6 MR. TUNG: So objection; vague; beyond the 14:42
7 this and other documents in his report, which I've 14:41	7 scope. 14:42
8 read, so it doesn't surprise me to see this document. 14:41	8 THE WITNESS: This document suggests to me 14:42
9 This document, as far as I know, was not attached or 14:41	9 that Samsung evaluated their product in comparison -- 14:42
10 included in his report. It's just cited by it. I 14:41	10 which is called the P5, I guess, in comparison to the 14:43
11 didn't -- I never saw this document before. 14:41	11 iPad 2. It doesn't tell me what they did about it. 14:43
12 MR. AHN: Q. Does this affect your opinion 14:41	12 MR. AHN: Q. Does that trouble you in any 14:43
13 at all as to whether or not Samsung's devices 14:41	13 way? 14:43
14 implement the bounce feature that's also implemented 14:41	14 MR. TUNG: Objection; vague and beyond the 14:43
15 on Apple's devices? 14:42	15 scope. 14:43
16 MR. TUNG: Objection; mischaracterizes 14:42	16 THE WITNESS: No, that doesn't trouble me. 14:43
17 opinion; beyond the scope -- 14:42	17 Doing due diligence when designing a product is -- 14:43
18 THE WITNESS: My -- 14:42	18 includes a competitive analysis of -- of -- of other 14:43
19 MR. TUNG: -- vague. 14:42	19 products in the same market. If you don't do that, 14:43
20 THE WITNESS: Sorry. 14:42	20 you're probably not doing your homework. 14:43
21 MR. TUNG: Yeah. Go ahead. 14:42	21 MR. AHN: Okay. 14:43
22 THE WITNESS: My opinion expressed in my 14:42	22 Q What if the features that are being studied 14:43
23 report has to do with the Samsung devices relative to 14:42	23 are patented? 14:43
24 the patent. I -- I actually really don't care what 14:42	24 MR. TUNG: Objection; vague. 14:43
25 Apple's devices do because I'm -- I'm concerned with 14:42	25 THE WITNESS: I don't know. And I -- 14:43

<p style="text-align: right;">Page 162</p> <p>1 furthermore, I don't know whether the people who did 14:43 2 this study, since I don't know who they were and what 14:43 3 their relation was to Samsung management or legal, 14:43 4 whether they knew that the features were patented or 14:43 5 not. 14:44 6 MR. AHN: You can set that aside. 14:44 7 Finally, I'm going to ask you a few questions 14:44 8 about the order denying the motion for preliminary 14:44 9 injunction which I previously set before you. 14:44 10 MR. TUNG: And so Counsel, you're not marking 14:44 11 this as an exhibit; is that correct? 14:44 12 MR. AHN: That's right. I think it's 14:44 13 previously been marked at different depositions, and 14:44 14 it's also just on the docket, so I don't think it's 14:44 15 necessary. 14:44 16 Q I just want to ask you a few questions about 14:44 17 the portions of the Court's order that were opining 14:44 18 about the non-infringement positions that Samsung had 14:44 19 taken during the preliminary injunction phase of this 14:44 20 case. 14:44 21 Earlier today we were discussing the 14:44 22 displaying black by turning off pixels is not 14:44 23 displaying argument that you had previously advanced 14:44 24 in your first expert declaration. 14:45 25 Do you recall that testimony generally? 14:45</p>	<p style="text-align: right;">Page 163</p> <p>1 A Yes. 14:45 2 Q And I believe you stated that you did not 14:45 3 include that testimony -- you did not include that 14:45 4 opinion in your current expert report based on the 14:45 5 Court's order; is that correct? 14:45 6 A Correct. 14:45 7 Q In fact, the Court had rejected that position 14:45 8 as being untenable; is that correct? 14:45 9 A Correct. 14:45 10 MR. TUNG: Objection; mischaracterizes the 14:45 11 document. 14:45 12 MR. AHN: I'd like to direct your attention 14:45 13 to page 53 of the Court's order. 14:45 14 Q Right at the bottom the page, it starts a 14:45 15 discussion of, quote-unquote, the first direction 14:45 16 issue; do you see that? 14:45 17 A Yes. 14:45 18 Q Going on to the next page, if you look at the 14:45 19 third paragraph, it states in the fourth sentence: 14:46 20 "Because a person skilled in the art would 14:46 21 understand that the claimed method acts in response to 14:46 22 a user's fingers, they would not interpret the claims 14:46 23 to require superhuman precision in the finger 14:46 24 movements." 14:46 25 Do you see that? 14:46</p>
<p style="text-align: right;">Page 164</p> <p>1 A I see that. 14:46 2 Q It goes on in the fourth paragraph to state: 14:46 3 "The Court construes the term first direction 14:46 4 as not requiring a strictly linear finger movement." 14:46 5 And then it goes on to state: 14:46 6 "The Court agrees with Apple that it must 14:46 7 interpret the claims in a common sense fashion in 14:46 8 light of the technology and techniques described in 14:46 9 the specification and must reject any hyper-technical 14:46 10 reading that the claim is incapable of performing." 14:46 11 Do you see that? 14:47 12 A I see that. 14:47 13 Q Now, in your current expert report, you still 14:47 14 advance a position that a first movement must be in a 14:47 15 strictly linear direction; is that correct? 14:47 16 MR. TUNG: Objection; mischaracterizes 14:47 17 opinion; vague. 14:47 18 THE WITNESS: In my -- my opinion, as I think 14:47 19 we -- I explained in my report, the -- that argument 14:47 20 is being -- that -- that -- I'm making that -- stating 14:47 21 that opinion because I believe that the Court 14:47 22 misunderstood the previous argument. 14:47 23 We were not talking about the movement of the 14:47 24 finger, and we're never requiring the finger to be 14:47 25 moving in a strictly linear movement. The -- the 14:47</p>	<p style="text-align: right;">Page 165</p> <p>1 finger can move however it moves. The question is how 14:47 2 the document is translated in response to the finger 14:47 3 movement. 14:48 4 The software -- the software is in control of 14:48 5 the movement of the document. The software is not in 14:48 6 control of the user's finger. The finger moves 14:48 7 however it moves. Issues -- the software interprets 14:48 8 that finger movement to -- to then give commands to 14:48 9 the document as to -- as to how to move. 14:48 10 And the document can move the finger -- can 14:48 11 move the -- sorry -- the doc -- the software can move 14:48 12 the document in constrained or unconstrained ways, 14:48 13 depending on what the situation is. 14:48 14 So the argument that I made before and the 14:48 15 argument that I'm still making has to do with the 14:48 16 motion -- the translation and direction of the 14:48 17 document, not of the finger. I -- I -- I do not 14:48 18 believe that -- I believe it is impossible for a 14:48 19 person to move their finger in a strictly linear 14:48 20 fashion, but I don't believe that's relevant to the 14:48 21 argument. 14:49 22 The argument is that -- that the software 14:49 23 can, in response to a person's finger movement, move 14:49 24 the -- the document in a strictly linear direction or 14:49 25 not, depending on how it's designed. 14:49</p>

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<p>1 A An edge that is at the extreme -- or a 16:00 2 scrollable edge is actually at the -- at the edge of 16:00 3 an electronic document in the -- that's -- I guess the 16:00 4 edge is perpendicular to the direction of movement of 16:00 5 the -- of the document, you know. In the constrained 16:00 6 case, it's perpendicular to the edge. If the document 16:00 7 is -- can move in an unconstrained way, then some of 16:00 8 the -- then all of the edges are scrollable edges, 16:00 9 really. 16:00</p> <p>10 MR. AHN: I'm going to hand you what I've 16:01 11 marked as Exhibit No. 4. 16:01 12 (Document marked J. Johnson Exhibit 4 16:01 13 for identification.) 16:01</p> <p>14 THE WITNESS: So are we through with this? 16:01 15 MR. AHN: No. You can leave that open in 16:01 16 front of you. 16:01</p> <p>17 THE WITNESS: Okay. 16:01 18 MR. AHN: I'll come back to it. 16:01 19 Exhibit 4 is just a screen capture from the 16:01 20 New York Times homepage from yesterday. 16:01 21 THE WITNESS: Okay. 16:01 22 MR. AHN: Q. Can you tell me in Exhibit 4 16:01 23 what you would consider to be the scrollable edges. 16:01 24 MR. TUNG: So I'll object that this is a -- a 16:01 25 printout on a piece of paper, and you're asking about 16:01</p>	<p>1 edges in the context of the '381 document -- 16:01 2 '381 patent. 16:01</p> <p>3 MR. AHN: Let me give you some context. 16:01 4 Q This is just a screen capture of Internet 16:01 5 Explorer showing the New York Times homepage. And I'm 16:01 6 curious as to, if you were looking at this on the 16:02 7 screen of a computer, what you would consider to be a 16:02 8 scrollable edge? 16:02</p> <p>9 MR. TUNG: So I'll still make the same 16:02 10 objection. 16:02</p> <p>11 THE WITNESS: Yeah, it would be -- it would 16:02 12 be nicer if this picture had -- had the browser also 16:02 13 shown in it so that I could see something about 16:02 14 where -- you know, how the browser is. 16:02</p> <p>15 But assuming that the browser is oriented 16:02 16 vertically on the page the same way that this is, then 16:02 17 I would consider scrollable edges to be the top and 16:02 18 the bottom because we are viewing the entire width of 16:02 19 the page. 16:02</p> <p>20 And, therefore, the -- when -- the way the 16:02 21 browser operates is that it's constrained when you're 16:02 22 looking at the -- when you're zoomed out, to me. 16:02 23 And so the scrollable edges are the top and 16:02 24 the bottom. 16:02</p> <p>25 MR. AHN: And, in fact, if this were being 16:02</p>
<p data-bbox="667 1035 797 1062">Page 204</p> <p>1 displayed on one of the accused Samsung products with 16:03 2 blue glow in it, if you tried to go up and down, you 16:03 3 would actually see the blue glow appear from the top 16:03 4 or the bottom, depending on the direction of the 16:03 5 scroll; is that correct? 16:03</p> <p>6 MR. TUNG: Objection; incomplete 16:03 7 hypothetical. I'll just say same objections. 16:03</p> <p>8 THE WITNESS: If you are scrolling the page 16:03 9 down and you reach the top, then the blue glow would 16:03 10 appear from the top edge. If you're scrolling up and 16:03 11 you reach the bottom, then the blue glow would appear 16:03 12 from the bottom edge. 16:03</p> <p>13 MR. AHN: Q. What about the photograph 16:03 14 towards the center of the page? Would you consider 16:03 15 that an electronic document? 16:03</p> <p>16 A That's a document inside a document, yes. 16:03 17 Q So in this example, would you consider the 16:03 18 overall New York Times page as the electronic 16:03 19 document, with other electronic documents embedded in 16:03 20 it? 16:03</p> <p>21 A Well, I -- I suppose so. Yes, I would. 16:03 22 Balakrishnan has said in his statement that a photo -- 16:04 23 photographs are electronic documents, so -- and I 16:04 24 agree with him. 16:04</p> <p>25 Q Would you consider the edges of the 16:04</p>	<p data-bbox="1338 1035 1468 1062">Page 205</p> <p>1 photograph to be scrollable edges in this example? 16:04 2 MR. TUNG: Same -- same objection. 16:04</p> <p>3 THE WITNESS: Well, this sort of depends 16:04 4 on -- on the application because in some applications, 16:04 5 as we've seen, there is -- there is snap in between 16:04 6 documents in a -- an electronic -- in documents that 16:04 7 are contained in an electronic document; that is to 16:04 8 say, the subordinate documents. There is snap in 16:04 9 between them, and in other applications there isn't 16:05 10 any such snap. 16:05</p> <p>11 So, for example, in ThinkFree Office, if it's 16:05 12 in the vertical mode, there is no snap in between any 16:05 13 pages. But if it's in the horizontal mode, then there 16:05 14 is snap in ThinkFree Office. 16:05</p> <p>15 And similarly, in this browser, there -- 16:05 16 there isn't -- there isn't -- there isn't snap between 16:05 17 the sub -- subdocuments of the main document. 16:05</p> <p>18 Now, first of all, I will say that even if 16:05 19 there were snap between subordinate documents in a 16:05 20 browser, I wouldn't expect that snap to ever appear or 16:05 21 to be noticeable unless I were to zoom that -- that -- 16:06 22 zoom the document display up such that the photograph 16:06 23 filled the entire display. 16:06</p> <p>24 You know, I have seen other applications in 16:06 25 which if I -- if I zoomed up so the page was looking 16:06</p>

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<p>1 instances in which photographs inside the gallery 16:25 2 application will always exhibit the snap-back 16:25 3 behavior? 16:25 4 MR. TUNG: Objection; vague; incomplete 16:25 5 hypothetical. 16:25 6 THE WITNESS: The -- there are certain -- 16:25 7 there are certain edges that will always snap back. 16:26 8 MR. AHN: Q. What if there is only one 16:26 9 photograph inside the gallery application and you have 16:26 10 zoomed in on that photograph? Would that always 16:26 11 exhibit the '381 patent's snap back functionality? 16:26 12 MR. TUNG: Objection; incomplete 16:26 13 hypothetical. 16:26 14 THE WITNESS: In all the phones that I've 16:26 15 examined, that would be the case. 16:26 16 MR. AHN: If you could turn to Paragraph 84 16:26 17 of your report. 16:26 18 THE WITNESS: 84 of my report? 16:26 19 MR. AHN: Yes. 16:26 20 MR. TUNG: You mean paragraph? 16:26 21 MR. AHN: Paragraph 84. 16:26 22 THE WITNESS: Okay. 16:26 23 MR. AHN: Q. The second sentence from the 16:27 24 bottom, you state: 16:27 25 "In certain versions of Android, gallery and 16:27</p>	<p>1 filmstrip mode exhibits the same general snapping 16:27 2 behavior in zoomed-in mode as in zoomed-out mode. In 16:27 3 other versions of Android, a second swipe gesture 16:27 4 exhibits general snapping behavior and can be used to 16:27 5 move to an adjacent image." 16:27 6 Do you see that? 16:27 7 A Yes. 16:27 8 Q Can you tell me which versions of Android you 16:27 9 were discussing in the first sentence that I just 16:27 10 read. 16:27 11 A Certain versions of Android gallery -- well, 16:27 12 since most of the phones that I looked at, I looked at 16:28 13 one version of the phone. When I'm talking about 16:28 14 different versions of Android, I -- often those are on 16:28 15 different phones as well. 16:28 16 So -- but -- so you're asking me to explain 16:28 17 the sentence, or what was -- oh, you were asking me 16:28 18 what versions. 16:28 19 Q Yes. 16:28 20 A Well, what I -- what this is -- what this is 16:28 21 pertaining to is that I noticed that on some phones it 16:28 22 behaves one way, and on some phones it behaves another 16:28 23 way. So that in talking to the software engineers, 16:28 24 their explanation for that -- those differences, was 16:28 25 that in certain versions of Android, it works one way, 16:29</p>
<p>Page 220</p> <p>1 and in certain versions of Android -- and so it 16:29 2 depends on what version of Android is on a particular 16:29 3 phone. 16:29 4 So to answer your question, I don't know what 16:29 5 versions of Android. I just know what phones I looked 16:29 6 at, and I noticed differences. And then when I asked 16:29 7 the software developers about that, they said that's 16:29 8 the difference in the versions of Android. 16:29 9 Q In Paragraph 85 you are discussing the videos 16:29 10 that were submitted by Dr. Balakrishnan with his 16:29 11 expert report. And you state in the second sentence 16:29 12 the various video exhibits do not depict what happens 16:29 13 when the user pans a document past a threshold beyond 16:29 14 the edge of the document. And I paraphrased that. 16:29 15 What do you mean by that? 16:29 16 A All of the demonstrations in the Balakrishnan 16:30 17 videos show snap back. None of them ever show snap 16:30 18 forward. And I don't know this for a fact, but I'm 16:30 19 assuming that that's because he looked only at the 16:30 20 first or last photograph in the gallery and not ever 16:30 21 any of the internal photographs. 16:30 22 It could also be because he was looking at 16:30 23 photograph 2 or 3 in a five paragraph -- five 16:30 24 photograph -- five photograph -- in a collection of 16:30 25 five photographs, and he only pulled it a certain 16:30</p>	<p>Page 221</p> <p>1 distance. I don't really know. 16:30 2 All I know is that all the videos I saw, he 16:30 3 pulled it aside and it snapped back. It never snapped 16:30 4 forward. 16:30 5 Q For the video exhibits that you looked at 16:30 6 from Dr. Balakrishnan, the functionality that was 16:31 7 demonstrated satisfied the limitations of Claim 1 of 16:31 8 the '381 patent; is that correct? 16:31 9 MR. TUNG: Objection; mischaracterizes 16:31 10 opinion. 16:31 11 THE WITNESS: We're talking right now about 16:31 12 the always bouncing back element of that claim. There 16:31 13 are other elements of the claim that -- that I am also 16:31 14 saying were not met, but we're not talking about those 16:31 15 right now. 16:31 16 So -- so, you know, it -- to answer the 16:31 17 question directly, in the Balakrishnan videos, he 16:31 18 pulled aside the -- the -- pulled the image aside, and 16:31 19 it always bounced back. So that -- that -- as -- as 16:31 20 illustrated in his videos, it -- it meets that element 16:31 21 of Claim 1. 16:32 22 MR. AHN: If I could direct your attention to 16:32 23 page 27 of your report. 16:32 24 Q There is a table here which I believe you 16:32 25 used to indicate where a non-infringing feature could 16:32</p>

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<p>1 be found in the applications that have been accused of 16:32 2 infringement. And I'd like to focus you on the column 16:32 3 titled "Contacts"; do you see that? 16:32 4 A Okay. 16:32 5 Q And there are three boxes that have been 16:32 6 checked with Xs there? 16:32 7 A Uh-huh. 16:32 8 Q Do you see that? 16:32 9 A Yes. 16:32 10 Q Those three boxes represent instances in 16:32 11 which you felt there was a non-infringing feature for 16:32 12 that contacts application; is that correct? 16:33 13 A Those three Xs indicate, yes, in which I 16:33 14 believe that there was the feature that's described on 16:33 15 page 28. 16:33 16 There are -- there are also the other -- 16:33 17 there are also the other arguments that are -- that 16:33 18 start on page 29. Accused functionality does not 16:33 19 always bounce back. Keys functionality does not meet 16:33 20 both direction limitation, et cetera, et cetera. But 16:33 21 for contacts, we -- we -- we -- we're not asserting 16:33 22 that one. 16:33 23 So -- so these are -- these are -- this is 16:33 24 the presence or absence of this feature listed on 16:33 25 page 20 -- 28 under "Contact," the blue glow. That's 16:33</p>	<p>1 the presence or absence of that feature. 16:34 2 It's -- it's not the -- it's not a -- this is 16:34 3 not a judgment about whether there's infringement or 16:34 4 not. 16:34 5 And I should say that there's -- there's also 16:34 6 one -- one phone in here that should have an X that -- 16:34 7 that erroneously was left out. 16:34 8 Q Which one is that? 16:34 9 A Well, I made a list of errors that -- in this 16:34 10 document that actually should be corrected, some of 16:34 11 which you found for us and some of which I found. And 16:34 12 so -- now, the first item on that list is that 16:34 13 contact -- the "Contacts" column should be marked X in 16:34 14 row 12. 16:34 15 Q And that's for the Galaxy S Showcase? 16:34 16 A Yes. Right. That was an error. That should 16:34 17 have been marked with an X. 16:34 18 There are also other errors, if you want to 16:34 19 know about them. 16:35 20 Q When did you prepare that errata? 16:35 21 A Well, some of these -- some of these errors I 16:35 22 discovered after rereading my report shortly after it 16:35 23 was filed, and some of them you found in -- as we were 16:35 24 going through this deposition earlier. 16:35 25 MR. AHN: Mark, do you know if we've been 16:35</p>
<p>Page 224</p> <p>1 provided with a copy of the errata? 16:35 2 MR. TUNG: No. We can introduce it as an 16:35 3 exhibit so it will be officially in the record. 16:35 4 MR. AHN: Why don't we go ahead and mark it a 16:35 5 bit later. 16:35 6 MR. TUNG: Okay. 16:35 7 THE WITNESS: But anyway, that's the only 16:35 8 addition to that column. 16:35 9 MR. AHN: Q. Let me direct your attention to 16:36 10 page 24, where there's another table. And the table 16:36 11 is titled "At least three non-infringing features in 16:36 12 browser"; do you see that? 16:36 13 A I see that. 16:36 14 Q And there are no Xs for the products 16:36 15 identified as the Exhibit 4G, Galaxy Ace and Gravity 16:36 16 Smart; is that correct? 16:36 17 A Let's see. Galaxy Ace, feature one, hard 16:36 18 stop. I'm just wondering whether there are more 16:36 19 errors here in this table. I see that there are no -- 16:36 20 there are no Xs there, yes. 16:36 21 Q Does that mean that you believe those 16:37 22 products satisfy the limitations of Claim 1 of the 16:37 23 '381 patent? 16:37 24 MR. TUNG: Objection; mischaracterizes 16:37 25 opinion. 16:37</p>	<p>Page 225</p> <p>1 THE WITNESS: What it -- what it means is 16:37 2 that none of these three features, those three 16:37 3 features being hard stop, escapable scroll lock and 16:37 4 blue glow, apply in those -- are found in those -- in 16:37 5 those phone -- phones. 16:37 6 I'm wondering now whether there are some 16:37 7 errors. But the -- the -- what it means is that 16:37 8 there -- that those features are not found. It 16:37 9 doesn't mean necessarily that I'm saying that there's 16:37 10 infringement there or not. 16:37 11 MR. AHN: Q. But your three non-infringement 16:37 12 positions regarding the browser application, 16:37 13 specifically the hard stop, the escapable scroll lock 16:38 14 and the blue glow, are not applicable to the 16:38 15 Exhibit 4G, the Galaxy Ace and the Gravity Smart; 16:38 16 correct? 16:38 17 A If this table is correct, that's true. I'm 16:38 18 just now looking. I'm trying to figure out if it's -- 16:38 19 if there is an error. But if the table is error-free, 16:38 20 then that's correct. 16:38 21 Q I'd like to direct your attention to 16:38 22 Paragraph 90 of your report. 16:38 23 And actually, before I ask you about that, 16:38 24 inside the ThinkFree Office application, what do you 16:38 25 consider to be the electronic document? 16:38</p>