

EXHIBIT 5

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

--oOo--

APPLE, INC., A CALIFORNIA)
CORPORATION,)
PLAINTIFF,) No. 11-CV-01846-LHK
vs.)
SAMSUNG ELECTRONICS CO.,)
LTD., A KOREAN BUSINESS)
ENTITY; SAMSUNG ELECTRONICS)
AMERICA, INC., A NEW YORK)
CORPORATION; SAMSUNG)
TELECOMMUNICATIONS AMERICA,)
LLC, A DELAWARE LIMITED)
LIABILITY COMPANY,)
DEFENDANTS.)
_____)

VIDEOTAPED DEPOSITION OF IOI KIM LAM
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
San Francisco, California
Thursday, March 8, 2012

Reported By:
KATHLEEN WILKINS, CSR #10068, RPR, CRR, CCRR, CLR
JOB NO. 47476

Page 2	Page 3
<p>1 2 3 4 5 March 8, 2012 6 7 8 Videotaped Deposition of IOI KIM LAM, held 9 at the offices of MORRISON & FOERSTER, 425 Market 10 Street, San Francisco, California, pursuant to 11 Notice, before Kathleen A. Wilkins, CSR, RPR, CRR, 12 CCRR, CLR, of the State of California. 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 A P P E A R A N C E S: 2 For APPLE, INC.: 3 MORRISON & FOERSTER LLP 4 425 Market Street 5 San Francisco, California 94105 6 Telephone: (415) 268-7588 7 E-mail: Amonach@mofo.com 8 BY: ANDREW MONACH, ESQ. 9 For SAMSUNG ELECTRONICS CO., LTD.: 10 QUINN, EMANUEL, URQUHART, OLIVER & 11 HEDGES, LLP 12 555 Twin Dolphin Drive, Suite 560 13 Redwood Shores, California 94065 14 Telephone: (650) 801-5000 15 E-mail: toddbriggs@quinnemanuel.com 16 BY: TODD BRIGGS, ESQ. 17 ALSO PRESENT: 18 Michelle W. Yang, Director, Intellectual 19 Property, Samsung Information Systems America, 20 Inc. 21 Cassia Leet, Videographer 22 23 24 25</p>
Page 4	Page 5
<p>1 MARCH 8, 2012 10:01 A.M. 2 P R O C E E D I N G S 3 (Whereupon, Deposition Exhibit 2392 4 and Exhibit 2393 were marked for 5 identification.) 6 THE VIDEOGRAPHER: Good morning. This 10:01 7 is the start of media labeled number 1 of the 10:01 8 videotaped deposition of Ioi Lam in the matter of 10:01 9 Apple, Inc. versus Samsung Electronics Company, et 10:01 10 al. in the United States District Court, Northern 10:01 11 District of California, San Jose Division, Case 10:01 12 Number 11-CV-01846-LHK. 10:01 13 This deposition is being held at 10:01 14 Morrison & Foerster, 425 Market Street, San 10:01 15 Francisco, California, on March 8th, 2012 at 10:01 16 approximately 10:01 a.m. 10:01 17 My name is Cassia Leet. I am a 10:02 18 certified legal video specialist from TSG 10:02 19 Reporting, Inc., headquartered at 747 Third 10:02 20 Avenue, New York, New York. The court reporter is 10:02 21 Kathleen Wilkins in association with TSG 10:02 22 Reporting. 10:02 23 Would counsel please introduce 10:02 24 yourselves for the record. 10:02 25 MR. MONACH: Andrew Monach from Morrison 10:02</p>	<p>1 & Foerster representing Apple. 10:02 2 MR. BRIGGS: Todd Briggs from Quinn 10:02 3 Emanuel representing Samsung and the witness 10:02 4 Mr. Lam, and also with me is Michelle Yang from 10:02 5 Samsung. 10:02 6 THE VIDEOGRAPHER: Would the court 10:02 7 reporter please swear in the witness. 10:02 8 IOI KIM LAM, 10:02 9 having been duly sworn, 10:02 10 was examined and testified as follows: 10:02 11 --oOo-- 10:02 12 THE VIDEOGRAPHER: Please begin. 10:02 13 EXAMINATION BY MR. MONACH 10:02 14 BY MR. MONACH: 10:02 15 Q. Good morning, Mr. Lam. 10:02 16 A. Good morning. 10:02 17 Q. Have you ever had your deposition taken 10:02 18 before? 10:03 19 A. No. 10:03 20 Q. My name is Andrew Monach. I represent 10:03 21 Apple in a lawsuit against Samsung. And I'm here 10:03 22 to ask you some questions that will be 10:03 23 transcribed. 10:03 24 Do you understand that? 10:03 25 A. Yes. 10:03</p>

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1	Q. Do you understand that you are under oath and that your testimony is treated the same as if you were testifying in court?	10:03	10:03
2		10:03	10:03
3	A. Yes.	10:03	10:03
4	Q. Could you please state and spell your name.	10:03	10:03
5	A. My name is Ioi Kim Lam, I-O-I, K-I-M, L-A-M.	10:03	10:03
6	Q. What is your current address?	10:03	10:03
7	A. 18 Montelena Court, Mountain View, 94040.	10:03	10:03
8	Q. Who is your employer?	10:03	10:03
9	A. Samsung.	10:03	10:03
10	Q. Just Samsung or is there more to it than Samsung?	10:03	10:03
11	A. Samsung Telecommunications America.	10:03	10:03
12	Q. And I'll use Samsung as a shorthand --	10:03	10:03
13	A. Okay.	10:03	10:03
14	Q. -- throughout.	10:03	10:03
15	How long have you worked for Samsung?	10:03	10:03
16	A. I joined company in September '07.	10:03	10:03
17	Q. And was that your first job out of school or did you come from another place of employment?	10:04	10:04
18	A. I came from different company.	10:04	10:04
19		10:04	10:04
20		10:04	10:04
21		10:04	10:04
22		10:04	10:04
23		10:04	10:04
24		10:04	10:04
25		10:04	10:04
Page 8		Page 9	
1	A. I started as staff engineer.	10:05	10:05
2	Q. And when did you get promoted to principal engineer?	10:05	10:05
3	A. I got promoted earlier this year -- no, earlier 2011.	10:05	10:05
4	Q. In general, what have your job duties been since you joined Samsung in 2007?	10:05	10:05
5	A. My main job duty is software engineer.	10:05	10:05
6	Q. Do you have any other duties?	10:05	10:05
7	A. I have minor duties in tutoring other engineers or writing presentations.	10:05	10:05
8	Q. Okay. What products have you worked on during your time at Samsung starting with 2007 and moving forward?	10:06	10:06
9	A. Our lab is called Mobile Communications Lab, so we worked on devices that are used in the mobile communications.	10:06	10:06
10	Q. Smartphones and tablets?	10:06	10:06
11	A. Including them.	10:06	10:06
12	Q. What else, if anything?	10:06	10:06
13	A. We also worked on feature films. We worked on other prototypes, not smartphones or tablets.	10:06	10:06
14	Q. And do you work exclusively on the software for mobile devices?	10:06	10:06
15		10:06	10:06
16		10:06	10:06
17		10:06	10:06
18		10:06	10:06
19		10:06	10:06
20		10:06	10:06
21		10:06	10:06
22		10:06	10:06
23		10:06	10:06
24		10:06	10:06
25		10:06	10:06
1	Q. Why don't you just very briefly tell me where you went to college -- I expect you did -- and then very briefly your job history after that.	10:04	10:04
2	A. So I went to college in the University of Pennsylvania in Philadelphia. I went to grad school in Cornell University. After I graduated, I went to work with Sun Microsystems for about nine years, and then I worked with a company called Applix. I worked there for about one and a half years. After that, I work -- I joined Samsung.	10:04	10:04
3	Q. What degrees did you get from Penn and Cornell?	10:04	10:04
4	A. I got my bachelor in computer science from Penn and master's in computer science from Cornell.	10:04	10:05
5	Q. What is your current job title at Samsung?	10:05	10:05
6	A. My current job title is principal engineer.	10:05	10:05
7	Q. Is that the same title you've had since you started in 2007?	10:05	10:05
8	A. No.	10:05	10:05
9	Q. What was your job title when you started?	10:05	10:05
10		10:05	10:05
11		10:05	10:05
12		10:05	10:05
13		10:05	10:05
14		10:05	10:05
15		10:05	10:05
16		10:05	10:05
17		10:05	10:05
18		10:05	10:05
19		10:05	10:05
20		10:05	10:05
21		10:05	10:05
22		10:05	10:05
23		10:05	10:05
24		10:05	10:05
25		10:05	10:05
1	A. Yes.	10:06	10:06
2	Q. Who is your supervisor?	10:06	10:06
3	A. My current supervisor is Mr. E.S. Chung.	10:07	10:07
4	Q. How long has Mr. Chung been your supervisor?	10:07	10:07
5	A. For about two months.	10:07	10:07
6	Q. Who was your supervisor before that?	10:07	10:07
7	A. Ciaran Rochford.	10:07	10:07
8	Q. Okay. And how long was Ciaran your supervisor?	10:07	10:07
9	A. Since I joined Samsung.	10:07	10:07
10	Q. Is the Mobile Communications Lab part of some larger group at Samsung?	10:07	10:07
11	A. It is.	10:07	10:07
12	Q. What's the larger group?	10:07	10:07
13	A. I am not very familiar with the corporate structure.	10:07	10:07
14	Q. Do you have any idea what larger group Mobile Communications Lab is included in or reports up to?	10:07	10:07
15	A. So our lab is part of STA, Samsung Telecommunications America.	10:07	10:07
16	Q. And in your regular job duties, do you only report to people at the Mobile Communications Lab, or do you also report to Samsung employees in	10:07	10:08
17		10:07	10:08
18		10:07	10:08
19		10:07	10:08
20		10:07	10:08
21		10:07	10:08
22		10:07	10:08
23		10:07	10:08
24		10:07	10:08
25		10:07	10:08

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1	Korea? 10:08	1	MR. BRIGGS: Objection. Foundation. 10:09
2	A. For me personally, I just report to the 10:08	2	THE WITNESS: I'm not sure if all of 10:09
3	people inside -- inside the lab. 10:08	3	them work on software for mobile devices. 10:09
4	Q. Where is the lab located? 10:08	4	BY MR. MONACH: 10:09
5	A. San Jose. 10:08	5	Q. Do most of them, to your understanding, 10:09
6	Q. Do you sometimes get assignments from 10:08	6	work on software for mobile devices? 10:09
7	Samsung Electronics in Korea? 10:08	7	MR. BRIGGS: Same objection. 10:09
8	A. No. 10:08	8	THE WITNESS: I understand many of them 10:09
9	Q. Does your group get assignments from 10:08	9	work on such devices. 10:09
10	Samsung in Korea? 10:08	10	BY MR. MONACH: 10:09
11	A. Yes. 10:08	11	Q. Is there a group of people who report to 10:09
12	Q. And those come through your supervisor 10:08	12	you? 10:09
13	to you? 10:08	13	A. No. 10:09
14	A. Yes. 10:08	14	Q. Does anyone report to you? 10:09
15	Q. Do you know who the individuals are from 10:08	15	A. No. 10:09
16	Samsung Korea who give assignments to your 10:08	16	Q. We've marked as Exhibit 2392 Apple's 10:10
17	supervisor at the Mobile Communications Lab? 10:08	17	sixth rule 30(b)(6) deposition notice. Hand that 10:10
18	A. I don't know. 10:08	18	to the witness, please. 10:10
19	Q. How many engineers are there in the 10:09	19	Mr. Lam, I don't need you to read 10:10
20	Mobile Communications Lab? 10:09	20	through the whole thing, but I'd like you to focus 10:10
21	A. Currently, there are about 100. 10:09	21	on the list of topics that start on page 8 and run 10:10
22	Q. Do they all work on software for mobile 10:09	22	over to page 11 in this notice of deposition. My 10:10
23	devices? 10:09	23	only question to you is whether you've ever seen 10:10
24	A. Do they all work on software for mobile 10:09	24	either this document or the list of topics before. 10:10
25	devices? 10:09	25	A. I have not seen this document before. 10:10
Page 12		Page 13	
1	Q. Okay. Have you seen the list of 10:10	1	Could you look through the topics in 10:12
2	topics -- let's start with Topic No. 5 at page 8, 10:11	2	2393, beginning with set 6, Topic 5, the second 10:12
3	the source code for each product that issued 10:11	3	item through the end and tell me whether it's your 10:12
4	relating to scrolling, scroll locking and scaling. 10:11	4	understanding that you've been designated as 10:12
5	Do you see that? 10:11	5	Samsung's corporate witness -- 10:12
6	A. Yes, I see this. 10:11	6	A. Yes. 10:13
7	Q. Okay. Have you seen that topic before, 10:11	7	Q. -- to testify on the matters listed in 10:13
8	even if it wasn't in this document? 10:11	8	this letter. 10:13
9	A. Related to scrolling, scroll locking and 10:11	9	A. Yes, I've been told verbally that I'm 10:13
10	scaling? So I've been informed by my company that 10:11	10	responsible for No. 5. 10:13
11	I'm responsible for some topics. And -- 10:11	11	Q. Okay. What about the ones on the next 10:13
12	Q. Maybe we can speed this up. I'll show 10:11	12	page? 10:13
13	you another list and we can see if you think it's 10:11	13	A. I have to read it. 10:13
14	the topics that you think you are responsible for. 10:11	14	Q. Sure. 10:13
15	Can you hand the witness Exhibit 2393, please. 10:11	15	A. For each product related ... 10:13
16	For the record, Exhibit 2393 is a letter 10:12	16	Okay. Yes. My understanding is I'm 10:13
17	from Quinn Emanuel, counsel for Samsung, to Mia 10:12	17	responsible for the scrolling and scaling in 10:13
18	Mazza, Morrison & Foerster, dated February 8th, 10:12	18	browser application for No. 6, and also -- yes. 10:13
19	2012 listing various topics for which Ioi Lam has 10:12	19	Q. What about Nos. 13 and 14 for bounce or 10:13
20	been designated as a 30(b)(6) witness. 10:12	20	rubber-banding functionality; is it your 10:13
21	Mr. Lam, have you seen this letter, 10:12	21	understanding you're Samsung's corporate witness 10:13
22	Exhibit 2393, before? 10:12	22	on those topics? 10:13
23	A. I have not seen this letter before. 10:12	23	A. Yes. 10:13
24	Q. We can do this either by questioning or 10:12	24	Q. What about Topic 15, the source code for 10:13
25	perhaps with a stipulation of counsel. 10:12	25	each product at issue relating to the following 10:13

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1	software? 10:13	1	Q. All right. 10:14
2	A. Yes, for the browser application only. 10:13	2	MR. BRIGGS: Just to be clear, he's 10:14
3	Q. Browser only? 10:13	3	designated on all those topics you just went over, 10:14
4	A. Yes. 10:13	4	subject to Samsung's objections to the topics. 10:15
5	Q. Okay. Same true for 16, you're 10:13	5	MR. MONACH: Fair enough. 10:15
6	responsible for that, your understanding, for the 10:13	6	MR. BRIGGS: And he's also just focusing 10:15
7	browser only? 10:14	7	on the browser aspect of these topics. 10:15
8	A. Yes. 10:14	8	MR. MONACH: I understood that from his 10:15
9	Q. And then could you turn back to 10:14	9	testimony. 10:15
10	Exhibit 2392, Topics 19 and 20. My understanding 10:14	10	MR. BRIGGS: Okay. 10:15
11	is you were designated for those by a recent 10:14	11	MR. MONACH: But thanks for the 10:15
12	e-mail. Topic 19 in the notice is comparison and 10:14	12	clarification or confirmation. 10:15
13	analysis of Apple products, including, but not 10:14	13	Q. Mr. Lam, what did you do to prepare to 10:15
14	limited to, the comparison and analysis shown in 10:14	14	testify as Samsung's representative on these 10:15
15	Samsung videos produced in this case, including 10:14	15	corporate deposition topics? 10:15
16	the video files identified with Bates numbers, and 10:14	16	A. I have spend time to collect information 10:15
17	then we have a series of Bates numbers ending in 10:14	17	for these topics. On some of the topics that are 10:15
18	-201282, -1283, -1318 through -326, and -201390. 10:14	18	listed in this e-mail, 5, 6, 13, 14, 15 and 16, 10:15
19	Do you see that? 10:14	19	for the parts that I am designated for, I am 10:15
20	A. Yes. 10:14	20	pretty familiar with the topics, so I did not do 10:16
21	Q. Is it your understanding you're also 10:14	21	any special preparation for those. 10:16
22	Samsung's designated witness on Topic 19? 10:14	22	Q. So just so I understand, is it true that 10:16
23	A. Yes. 10:14	23	you did not do any additional -- any -- any 10:16
24	Q. And what about Topic 20? 10:14	24	preparation or research or fact-gathering for 10:16
25	A. Yes. 10:14	25	Topics 5, 6, 13, 14, 15 and 16 because you thought 10:16
Page 16		Page 17	
1	you had sufficient -- 10:16	1	with him, to discuss the videos. 10:17
2	A. Yes. 10:16	2	Q. Okay. And did you watch a series of 10:17
3	Q. -- personal knowledge of those topics? 10:16	3	videos to prepare for Topics 19 and 20? 10:17
4	A. Yes. I review the topics and I think I 10:16	4	A. Yes. 10:17
5	have sufficient knowledge. 10:16	5	Q. And in general, what did those videos 10:17
6	Q. Okay. Did you communicate with other 10:16	6	show? 10:17
7	people or review any documents for any other 10:16	7	A. Those videos show mobile devices and 10:17
8	topics? 10:16	8	their operations. 10:18
9	A. I have communicated with other people on 10:16	9	Q. What mobile devices? 10:18
10	Topics 19 and 20. 10:16	10	A. They show -- some of the videos are very 10:18
11	Q. What did you do? 10:16	11	dark and we are not completely sure what the other 10:18
12	A. We held a teleconference. We reviewed 10:16	12	devices are because we don't see the serial 10:18
13	the videos to the topics as listed. 10:16	13	numbers or we don't see the model numbers. 10:18
14	Q. And who did you have the teleconference 10:16	14	Q. Isn't it true that the videos have 10:18
15	with? 10:16	15	side-by-side comparisons of a Samsung product and 10:18
16	A. I had a teleconference with Mr. Sangheon 10:16	16	an Apple product? 10:18
17	Kim. 10:17	17	A. I saw -- 10:18
18	Q. And where does Mr. Sangheon Kim work? 10:17	18	MR. BRIGGS: Objection. Vague as to 10:18
19	A. He works for Samsung. 10:17	19	what videos you're talking about. 10:18
20	Q. Where? 10:17	20	BY MR. MONACH: 10:18
21	A. In Korea. 10:17	21	Q. Some of the videos described in the 10:18
22	Q. Why did you talk to Mr. Sangheon Kim? 10:17	22	Topics 19 and 20 show side-by-side comparisons of 10:18
23	A. As I was presenting these videos, I 10:17	23	Samsung and Apple products in operation; true or 10:18
24	gather that Mr. Kim would have most knowledge 10:17	24	false? 10:18
25	about these videos. That's why we had a meeting 10:17	25	A. So in those videos, I saw side-by-side 10:18

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1	what looks to be a Samsung device, although I'm	10:18	1	side-by-side comparison of a Samsung tablet and an	10:20
2	not sure of the model number, and what seems to be	10:18	2	Apple iPad?	10:20
3	an Apple device.	10:19	3	A. So our team was given a task to make	10:20
4	Q. Had you ever seen these videos before	10:19	4	sure that our products are -- have good	10:20
5	your preparation for the deposition?	10:19	5	performance, and we want to be sure that we are --	10:20
6	A. I saw some of the videos before.	10:19	6	we are very good performers comparing to our	10:20
7	Q. When did you see the videos before?	10:19	7	competitors.	10:20
8	A. One of the videos I saw it probably	10:19	8	One of the competitors that we -- we try	10:20
9	middle of last year.	10:19	9	to compare with is Apple, but we also compare with	10:20
10	Q. Middle of 2011?	10:19	10	other devices from other makers as well.	10:20
11	A. Yes.	10:19	11	In this particular video, we focus on	10:20
12	Q. And had you only seen one or had you	10:19	12	one performance feature.	10:21
13	seen more than one of these videos before?	10:19	13	Q. What feature is that?	10:21
14	A. I saw only one of them before.	10:19	14	A. That feature is if you zoom the page,	10:21
15	Q. Which video had you seen before, if you	10:19	15	you can see that the content of the page is	10:21
16	can describe it for me?	10:19	16	blurred. We want to make sure that even though	10:21
17	A. I believe it's the last video in the	10:19	17	our device will have a blurring effect for a short	10:21
18	list, and I remember seeing it because I believe	10:19	18	time, we want to show that we are better than our	10:21
19	that I was the person who made the video. And it	10:19	19	competitors in terms of how much time we take to	10:21
20	shows an iPad on one side and a Samsung -- of what	10:19	20	return to a clear display of the text. I make a	10:21
21	I remember, to be a Samsung tablet on the other	10:20	21	video to show to my supervisor that we are better	10:21
22	side.	10:20	22	than our competitors.	10:21
23	Q. When did you make that video?	10:20	23	Q. So you think the video shows that the	10:21
24	A. Around the middle of last year, 2011.	10:20	24	performance of the Samsung tablet was better than	10:21
25	Q. Okay. Why did you make a video with a	10:20	25	the iPad in the video you made?	10:21
Page 20		Page 21			
1	A. My intention of showing the video to my	10:21	1	rescheduled twice, I met with my counsels every	10:23
2	supervisor is we are very good. We are better	10:21	2	time before the deposition was supposed to begin.	10:23
3	than our competitors.	10:22	3	Q. And so how many times was that?	10:23
4	Q. Better than Apple?	10:22	4	A. I've met with my counsels for maybe four	10:23
5	A. We are better than many of our	10:22	5	times.	10:23
6	competitors, including Apple.	10:22	6	Q. And in total, how many hours have you	10:23
7	Q. Was there anyone else on the conference	10:22	7	met with counsel?	10:23
8	between you and Mr. Kim in which you reviewed and	10:22	8	A. I met two full days and only also met	10:23
9	discussed the videos?	10:22	9	partial days for the other two meetings, so	10:23
10	A. There was a translator.	10:22	10	hours.	10:23
11	Q. Anyone else?	10:22	11	Q. Did you review any documents, either	10:23
12	A. No.	10:22	12	electronic or hard copy?	10:23
13	Q. Other than -- other than relying on your	10:22	13	A. Did I review documents?	10:23
14	own knowledge and the conference you had with	10:22	14	Q. Yes.	10:23
15	Mr. Kim that you've described, did you do anything	10:22	15	A. In what context?	10:23
16	else to prepare for the deposition? For example,	10:22	16	Q. In your meetings with counsel or	10:23
17	did you review any documents? Did you meet with	10:22	17	otherwise to prepare for the deposition.	10:23
18	counsel?	10:22	18	A. Yes. I've reviewed documents.	10:23
19	A. Can you repeat the question again?	10:22	19	Q. Okay. What did you review?	10:24
20	Q. Yeah. I'll break it down.	10:22	20	A. What did I review? I've seen source	10:24
21	To prepare for the deposition, did you	10:22	21	code because I had prepared for -- as a corporate	10:24
22	meet with counsel?	10:22	22	witness, I needed to make sure that, you know,	10:24
23	A. Yes.	10:22	23	those documents -- that I have seen those source	10:24
24	Q. Okay. When did you do that?	10:22	24	code before.	10:24
25	A. Because this deposition has been	10:23	25	Q. Did you review anything else besides	10:24

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1	improve performance so that our performance will	10:44	
2	be better than the source code that Google	10:44	
3	provided to us, the baseline source code from	10:44	
4	Android.	10:44	
5	Q. And was that request made so that the	10:44	
6	Samsung phone would perform more like the Apple	10:44	
7	products and would have been inferior if you	10:44	
8	simply used the base Android code?	10:44	
9	MR. BRIGGS: Objection. Vague.	10:44	
10	Foundation. Compound.	10:44	
11	THE WITNESS: I don't remember receiving	10:44	
12	such request.	10:45	
13	BY MR. MONACH:	10:45	
14	Q. Let me show you what's been previously	10:45	
15	marked as Exhibit 1425, which is an e-mail from	10:45	
16	Jaegwan Shin to Ioi Lam and Qi Ling dated March	10:45	
17	23rd, 2011.	10:45	
18	A. Okay.	10:45	
19	Q. Is this a copy of an e-mail that you	10:45	
20	received from Mr. Shin on or around March 23rd,	10:45	
21	2011?	10:45	
22	A. It's been a long time ago, so I don't	10:45	
23	remember receiving that e-mail, but from the	10:45	
24	subject it seems to be an e-mail from Mr. Shin to	10:45	
25	myself.	10:45	
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1	Q. And do you see he refers in the first	10:46	
2	line to -- he says, "This is video regarding	10:46	
3	rotation speed compared to iPhone"?	10:46	
4	A. Mh-hmm.	10:46	
5	Q. I'm sorry. You're going to have to say	10:46	
6	yes or no.	10:46	
7	A. Yes.	10:46	
8	Q. Okay. Do you recall looking at a video	10:46	
9	of the iPhone being rotated?	10:46	
10	A. Of seeing a video of the iPhone being	10:46	
11	rotated? Yes.	10:46	
12	Q. Okay. And was it around this time,	10:46	
13	March of 2011?	10:46	
14	A. Around this time? I'm not sure whether	10:46	
15	it was around this time because that was one year	10:46	
16	ago.	10:46	
17	Q. Okay. Did you work on source code	10:46	
18	relating to what happens when a device is rotated	10:46	
19	during your work at Samsung?	10:47	
20	A. When a device is rotated? Yes.	10:47	
21	Q. In general, what work did you do on	10:47	
22	rotation?	10:47	
23	A. In general, what did I do on rotation?	10:47	
24	We looked at different aspects;	10:47	
25	performance is one of them. We also -- also work	10:47	
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1	on bug fixing, in some cases their configuring	10:47	
2	effects or other issues, crashes, so we worked on	10:47	
3	such issues.	10:47	
4	Q. What is U1 that's referred to in	10:47	
5	Mr. Shin's e-mail?	10:47	
6	A. So U1 is also the code name for the	10:48	
7	Galaxy S II.	10:48	
8	Q. And so did he have a video comparing	10:48	
9	and -- send a video comparing the rotation	10:48	
10	performance of the Galaxy S II prototype and the	10:48	
11	iPhone?	10:48	
12	A. So although it says that in the e-mail,	10:48	
13	I don't remember seeing -- are you asking me do I	10:48	
14	remember seeing the video associated with this	10:48	
15	e-mail?	10:48	
16	Q. Well, was a video comparing the rotation	10:48	
17	of the Galaxy S II in development and the iPhone	10:48	
18	sent to you?	10:48	
19	A. Was sent to me? So we -- we have seen	10:48	
20	many videos. I'm not sure I remember seeing this	10:49	
21	particular video because this is one year ago.	10:49	
22	Q. Approximately how many videos have you	10:49	
23	personally seen that compare a Samsung product or	10:49	
24	product in development with an Apple product?	10:49	
25	A. How many videos have I seen comparing?	10:49	
1	I have seen videos side-by-side, but I am not sure	10:49	
2	whether they are for comparison.	10:49	
3	Q. Approximately how many side-by-side	10:49	
4	videos have you seen that have a Samsung product	10:49	
5	or prototype on one side and an Apple product on	10:49	
6	the other side?	10:49	
7	A. Of my entire career, five years --	10:49	
8	Q. Yeah.	10:49	
9	A. -- at Samsung?	10:49	
10	Well, I don't remember like the earlier	10:50	
11	years. Memory is vague. If you have to ask me to	10:50	
12	count, I think -- I'm not sure whether I can count	10:50	
13	precise number --	10:50	
14	Q. Why don't you give me your best	10:50	
15	estimate.	10:50	
16	A. I think from several to a dozen or more,	10:50	
17	but I -- I'm not sure whether I can give you a	10:50	
18	good estimate.	10:50	
19	Q. All right. Have you seen side-by-side	10:50	
20	videos of Samsung products in development and	10:50	
21	Motorola products?	10:50	
22	A. Samsung product development and Motorola	10:50	
23	products? Yes.	10:50	
24	Q. Approximately how many?	10:50	
25	A. Again, it's hard to count. From several	10:50	

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1	to a few dozen. I am not sure. 10:50	1	Q. And then you can check it out kind of 10:52
2	Q. Okay. Does -- does San Jose lab have a 10:51	2	like a library book if you want to look at it or 10:52
3	room that's referred to as the demo room where 10:51	3	use it; is that right? 10:52
4	there are lots of examples of other companies' 10:51	4	A. Check it out? You mean like I have to 10:52
5	products that you can go look at, test, run? 10:51	5	sign my name or -- 10:53
6	A. I'm not sure whether we have a room 10:51	6	Q. There's some person or group of 10:53
7	called a demo room. 10:51	7	people -- 10:53
8	Q. Okay. Even if you don't use that name, 10:51	8	A. Right. 10:53
9	is there a location you're aware of at the Samsung 10:51	9	Q. -- that you know you can go to -- 10:53
10	lab where other companies' products are kept so 10:51	10	A. Right. 10:53
11	that you can -- you're free to go in and operate 10:51	11	Q. -- at the Samsung lab to get other 10:53
12	them, analyze them? 10:51	12	companies' products; is that right? 10:53
13	A. I don't know of such -- such a room that 10:51	13	A. I would talk to my manager and say, 10:53
14	I can go in and analyze competitors' products. 10:51	14	well, this competitor has a device and we want to 10:53
15	Q. Okay. You said you don't know if you 10:51	15	play with it. And sometimes we have that device, 10:53
16	call it a demo room, but is there some place where 10:52	16	sometimes we don't. If we don't, we'll ask -- we 10:53
17	other companies' products are kept at the Samsung 10:52	17	try to see if we can purchase it. If that device 10:53
18	San Jose lab? 10:52	18	is around, my manager will tell me, hey, maybe 10:53
19	A. Some place? 10:52	19	with so-and-so, so you can go and ask him. It's 10:53
20	Q. Yes. 10:52	20	not very formal. 10:53
21	A. I -- I have not walked into a room where 10:52	21	MR. MONACH: Okay. Let's mark as the 10:53
22	I can just play with competitors' device. If I 10:52	22	next in order, 2394, a Samsung-produced document 10:53
23	have to see a competitors' device, I have to ask. 10:52	23	ending in Bates numbers -525358 from Ioi Lam, an 10:54
24	And there are people in our lab who's responsible 10:52	24	e-mail dated June 4th, 2011. 10:54
25	for -- for keeping those devices. 10:52	25	(Whereupon, Deposition Exhibit 2394 10:54
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1	was marked for identification.) 10:54	1	want to make sure that our products have good 10:56
2	BY MR. MONACH: 10:54	2	performance comparing to our competitors, and 10:56
3	Q. Mr. Lam, is Exhibit 2394 an e-mail that 10:54	3	Apple is one of our competitors. 10:56
4	you sent to a group of people on or around 10:54	4	And we thought, well, if you want to 10:56
5	June 4th, 2011? 10:54	5	compare Apple, let's use Apple's demos. We want 10:56
6	A. Yes. 10:54	6	to make sure that we have good performance. 10:56
7	Q. In the "to" list, there are quite a few 10:54	7	Q. Was this during the development of the 10:56
8	names here. Looks like nine of them. 10:54	8	Galaxy Tab 10.1? 10:56
9	Do those people all work in the San Jose 10:55	9	A. Yeah. I believe this time is during the 10:56
10	Samsung Mobile Communications Lab? 10:55	10	development of June 4th, is during the development 10:56
11	A. Yes, they do. 10:55	11	of the Galaxy Tab 10.1. 10:56
12	Q. And you see the subject line is "Demo 10:55	12	Q. Do you remember any particular 10:56
13	html5 pages by apple"? 10:55	13	performance issues that you compared between the 10:56
14	A. Yes. 10:55	14	Galaxy Tab 10.1 in development and the iPad 2? 10:56
15	Q. And then the text of your message says, 10:55	15	A. The performance that we needed to 10:57
16	"We can compare with iPad 2 using these pages," 10:55	16	measure, I think what this e-mail was talking 10:57
17	and then there's a link to developer Apple.com 10:55	17	about, was the animation of HTML5 pages. We want 10:57
18	Safari demos. 10:55	18	to make sure that we have good frame rate when we 10:57
19	Do you see that? 10:55	19	animate HTML5 pages. 10:57
20	A. Yes. 10:55	20	Q. And you wanted to compare your frame 10:57
21	Q. What was the purpose of your sending 10:55	21	rate with Apple's frame rate, among other things, 10:57
22	this message about comparing with the iPad? 10:55	22	right? 10:57
23	A. So if I remember correctly, we were 10:55	23	A. To make sure that we have good 10:57
24	looking at performance issues related to HTML5 10:55	24	performance, we do need to make comparisons, 10:57
25	pages, as described in the subject line, and we 10:55	25	because otherwise you wouldn't know. 10:57