

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

4 APPLE INC., a California)
corporation,)
5 Plaintiff,)

6 vs.) Case No. 11-cv-01846-LHK
)

7 SAMSUNG ELECTRONICS CO.,)
LTD., a Korean business)
8 entity; SAMSUNG ELECTRONICS)
AMERICA, INC., a New York)
9 corporation; SAMSUNG)
TELECOMMUNICATIONS AMERICA,)
10 LLC, a Delaware limited)
liability company,)
11 Defendants.)

12
13
14 H I G H L Y C O N F I D E N T I A L
15 A T T O R N E Y S ' E Y E S O N L Y
16

17 VIDEOTAPED DEPOSITION OF STEPHEN GRAY
18 Palo Alto, California
19 Friday, May, 4, 2012
20

21
22 BY: HEIDI BELTON, CSR, RPR, CRR, CCRR
23 CSR LICENSE NO. 12885
24 JOB NO. 49273
25

1 Samsung. With me are my colleagues Patrick Schmidt and 08:57:52
2 Guy Eddon.

3 And note for the record that we need to
4 correct the case number; it's a different case.

5 MR. MONACH: It should be 1846. What did you 08:58:04
6 say? You said 630? It should be case number
7 11-cv-01846-LHK.

8 MS. MAROULIS: That's correct.

9 MR. MONACH: Thank you.

10 THE VIDEOGRAPHER: Okay. I'll read that case 08:58:19
11 number on again.

12 11-cv-01846-LHK.

13 Will the court reporter please swear in the
14 witness.

15 (Whereupon, the witness, STEPHEN GRAY, 08:58:31
16 having been duly sworn, testified as follows:)

17 EXAMINATION

18 BY MR. MONACH:

19 Q. Good morning, sir.

20 A. Good morning. 08:58:42

21 Q. Could you state and spell your name for the
22 record, please.

23 A. My name is Steven Gray. Spelling is
24 S-T-E-P-H-E-N. G-R-A-Y.

25 Q. Mr. Gray, where do you live? 08:58:53

1 boxes at the location of the first gesture exclude the 15:47:48
2 embodiment shown in figure 5 of the patent?

3 MS. MAROULIS: Objection; calls for legal
4 conclusion.

5 THE WITNESS: In the case where the plurality 15:48:17
6 of boxes were not configured in such a manner where --
7 that there -- where there were multiple boxes at the
8 first -- at the location of the first gesture, then
9 discriminating between -- making a selection of a box as
10 in selecting box 5 in figure 5A, that would be fine. I 15:48:34
11 mean, in other words, the language of the claim does not
12 preclude a configuration of boxes such as that seen in
13 figure 5A.

14 BY MR. MONACH:

15 Q. Okay. So is it now your opinion that if -- 15:48:52
16 that touching box 5 or block 5 as shown in figure 5
17 where it's not overlapping or nested and that -- the
18 system that identifies block 5 has been touched, I'm
19 going to enlarge and substantially center it, is it your
20 belief that that behavior and instructions for that 15:49:19
21 behavior are covered by those limitations in Claim 50?

22 MS. MAROULIS: Objection; incomplete
23 hypothetical.

24 THE WITNESS: I don't think that the only
25 configuration of boxes to which Claim 50, the limitation 15:49:39

1 regarding selection at a location is exclusively 15:49:43
2 regarding nested boxes or adjacent boxes, that it also
3 covers -- it could also be used to cover configuration
4 of boxes which aren't overlapped or nested.

5 BY MR. MONACH: 15:50:01

6 Q. Okay. With that understanding, do the
7 Samsung-accused products detect a -- determine a first
8 box in the plurality of boxes at the location of the
9 first gesture and enlarge and translate the first box?

10 MS. MAROULIS: Objection; compound. Calls for 15:50:33
11 legal conclusion.

12 THE WITNESS: What I have observed in the
13 Samsung devices that I have analyzed is the ability
14 by -- at least some of them, I think all of them -- to
15 allow for the selection of a box in a configuration of 15:50:51
16 boxes that is comparable -- comparable to the
17 configuration of boxes on 5A and then -- and -- in
18 figure 5A on the patent.

19 And then based upon a first gesture that
20 provides for the selection of that box to then enlarge 15:51:13
21 and translate that box so that the first box -- so that
22 the first box -- I've observed it where the first box is
23 substantially centered. I've observed it where the
24 first box isn't substantially centered. So -- and by
25 the way, I'm not quite sure what "substantially 15:51:38

CERTIFICATE

STATE OF CALIFORNIA)
) ss.:
COUNTY OF CONTRA COSTA)

I, Heidi Belton, a Certified Shorthand Reporter, a Registered Professional Reporter, a Certified Realtime Reporter, and a Certified Realtime Professional within and for the State of California, do hereby certify:

That STEPHEN GRAY, the witness whose deposition is herein before set forth, was duly sworn by me and that such deposition is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

In witness whereof, I have hereunto set my hand this 5th day of May, 20112.

HEIDI BELTON, CSR, RPR, CRR, CCRR
Certified Shorthand Reporter No. 12885