

**EXHIBIT S**  
**FILED UNDER SEAL**

1 yes.

2 Q. And that's the term you would usually use  
3 to describe them, is icons?

4 A. That's the term that I use.

5 Q. Did you have any role in the development  
6 of the icons that are shown here on this page?

7 A. Not that I can recall.

8 Q. Well, more generally, did you have any  
9 involvement in the design of icons for any version  
10 of the iPhone?

11 A. Software icons?

12 Q. The icons that appear on the screen of  
13 any iPhone.

14 A. No.

15 Q. Did you have any -- and again, I'm asking  
16 very generally.

17 Did you have any involvement in the  
18 design of any icons that are on the display of any  
19 iPad device?

20 A. No.

21 Q. Or of any iPod device?

22 A. No.

23 Q. Directing your attention back to  
24 Exhibit 1130, if you can please take a look at the  
25 page ending in No. 203.

1 Do you recognize what's depicted on this  
2 page?

3 A. It looks like an upside down image of  
4 a -- of something that was worked on in our design  
5 studio.

6 Q. What is the device that's depicted here?

7 MR. MONACH: Objection; assumes facts not  
8 in evidence, that there was a device.

9 THE WITNESS: I'm sorry. Could you  
10 repeat the question?

11 BY MR. ZELLER:

12 Q. How would you describe the product or the  
13 device category of what's depicted here?

14 MR. MONACH: Objection to the form of the  
15 question as vague.

16 THE WITNESS: It's an electronic device.

17 BY MR. ZELLER:

18 Q. Is the design of this electronic device,  
19 as it's shown here on page 203, a design that  
20 Apple created? Or is it based on a design that  
21 Sony did?

22 A. This was a model that our design studio  
23 created.

24 Q. Did you yourself participate in that?

25 A. No.

1 Q. Who in the design studio worked on that  
2 project?

3 A. This was designed by Shin Nishibori.

4 Q. I'm sorry, Shin?

5 A. Nishibori.

6 Q. If you could spell that for us, please.

7 A. N-I-S-H-I-B-O-R-I.

8 Q. Were there other designers in the design  
9 studio who worked on this project along with  
10 Mr. Nishibori?

11 MR. MONACH: Objection; lack of  
12 foundation.

13 BY MR. ZELLER:

14 Q. As far as you know?

15 A. In the design team we usually work on  
16 things together and as a team.

17 This -- this was mainly Shin's focus for  
18 a short-term.

19 Q. And was it your understanding that the  
20 members of the design studio who worked on this  
21 project that we're discussing were assigned to do  
22 this ultimately by Steve Jobs?

23 MR. MONACH: Object to the form of the  
24 question as assuming facts not in evidence.

25 Objection; lack of foundation.

1 THE WITNESS: I have no idea who asked  
2 for this, what you would call "a project."

3 BY MR. ZELLER:

4 Q. How would you describe what Mr. Nishibori  
5 was doing?

6 A. I think he was having a bit of fun.

7 Q. In what way?

8 A. I don't believe that this was an  
9 actual -- from my knowledge, I don't believe that  
10 this was an actual part of the iPhone project, and  
11 I think he was sort of doing something on his own.

12 Q. And why do you think he was doing it on  
13 his own as opposed to it being assigned by  
14 Mr. Jobs or Mr. Ive or somebody else?

15 A. I'm not sure.

16 Q. You don't know one way or another whether  
17 Mr. Nishibori was assigned to work on this; is  
18 that correct?

19 A. I don't know one way or another.

20 Q. Directing your attention to what's  
21 depicted here on the pages ending in 202 and  
22 203 -- and we're talking about Exhibit 1130.

23 Do you think the design that's shown here  
24 is significantly different from the iPhone 4  
25 design?

1 MR. MONACH: Objection; lack of  
2 foundation, vague and ambiguous, incomplete  
3 hypothetical.

4 To the extent it calls for a legal  
5 conclusion it's objectionable.

6 THE WITNESS: I don't know.

7 BY MR. ZELLER:

8 Q. You'll see, on the page ending 203, there  
9 is the word "Sony"?

10 A. I do.

11 Q. Do you know why the word Sony is on this?

12 MR. MONACH: Objection; lack of  
13 foundation.

14 You can give your understanding.

15 THE WITNESS: I think -- I'm not exactly  
16 sure why the word Sony is on there. However, I  
17 think that Shin was trying to imagine what Sony  
18 might do.

19 BY MR. ZELLER:

20 Q. Was it your understanding that what  
21 Mr. Nishibori was doing was coming up with designs  
22 that were expressed in Sony design language?

23 MR. MONACH: Objection; vague, calls for  
24 speculation.

25 THE WITNESS: I'm not sure what Shin was

1 thinking.

2 BY MR. ZELLER:

3 Q. Do you have any understanding on that?

4 MR. MONACH: Objection; vague.

5 THE WITNESS: I don't -- I don't  
6 understand your question.

7 BY MR. ZELLER:

8 Q. Well, you said -- you said that you're  
9 not sure what he was thinking.

10 Now, I'm asking a slightly broader  
11 question which is: Do you have any understanding  
12 as to whether or not he was creating designs that  
13 were intended to be in the Sony design language?

14 MR. MONACH: Objection; vague, calls for  
15 speculation.

16 THE WITNESS: I'm not sure what Shin was  
17 thinking in that instance.

18 BY MR. ZELLER:

19 Q. Let me -- let me try and clear something  
20 up.

21 When you answer questions like "I'm not  
22 sure, I'm not certain," I'm not trying to go back  
23 over that testimony, because I hear what you're  
24 saying.

25 But now I'm trying to ask a slightly

1 different question which is, sometimes you'll have  
2 direct personal knowledge of things, like you were  
3 at a meeting, someone told you something, you  
4 created a drawing.

5 And then other instances you might have  
6 learned, from some other source, some kind of  
7 information like, say, someone told you or you  
8 have an idea about it.

9 And so when I ask a further question of  
10 do you have any information or understanding, I'm  
11 asking it in that broader sense.

12 Do you see what I'm saying?

13 A. Kind of.

14 Q. So what I'm now trying to find out is:  
15 Do you have any idea or any understanding at all  
16 of what -- whether Mr. Nishibori was creating  
17 designs because they were intended to be in the  
18 Sony design language?

19 MR. MONACH: Objection; vague.

20 THE WITNESS: I don't.

21 BY MR. ZELLER:

22 Q. Directing your attention to the page  
23 ending 205 of Exhibit 1130.

24 Was this also something that you  
25 understood Mr. Nishibori was working on as a



1 design?

2 A. I don't recall.

3 MR. MONACH: Objection -- hang on a  
4 second.

5 Objection; vague, lack of foundation.

6 BY MR. ZELLER:

7 Q. I'm sorry?

8 A. I'm sorry. I don't recall.

9 Q. Do you have any idea what this is?

10 A. I don't.

11 Q. Directing your attention to the next  
12 page, which is ending in 206.

13 And here, you'll see that this file name  
14 is SonyStyleB.psd. Do you see that? It's at the  
15 very top there in the file name.

16 A. Okay.

17 Q. Do you know what it is referring to when  
18 it says "Sony style"?

19 A. No, I don't.

20 Q. Do you have any understanding -- or do  
21 you know why this page was created?

22 A. No.

23 Q. And directing your attention to the page  
24 ending 208.

25 Do you know who created the design that's

1 shown here?

2 A. No.

3 Q. I take it you didn't do it.

4 A. I didn't do this design.

5 Q. Generally speaking, how did it come to  
6 your attention that Mr. Nishibori was working on  
7 these designs, that you do remember him working  
8 on, that we were talking about?

9 A. I remember seeing a model.

10 Q. So at some point there was an actual, at  
11 least one three-dimensional model, a physical  
12 model?

13 A. Yes.

14 Q. And was that physical model of any of the  
15 designs that we've seen so far in Exhibit 1130?

16 MR. MONACH: Objection; lack of  
17 foundation.

18 THE WITNESS: I couldn't tell you if what  
19 I saw was in this document.

20 BY MR. ZELLER:

21 Q. What do you remember about the model that  
22 you saw?

23 A. I remember that it was a well-made model,  
24 and that --

25 Q. Was it --

1 MR. MONACH: I'm sorry. Had you finished  
2 your answer?

3 THE WITNESS: Yes, I had finished.

4 MR. MONACH: Okay.

5 BY MR. ZELLER:

6 Q. And certainly, if I ever inadvertently  
7 interrupt you in an answer, or you weren't  
8 finished, just speak up and let me know, because I  
9 want to make sure that I have your complete  
10 answers to my questions.

11 A. Okay.

12 Q. Do you recall in what context you saw the  
13 model?

14 A. I don't.

15 Q. Was Mr. Nishibori present when you saw  
16 the model?

17 A. I don't recall.

18 Q. Well, at some point you connected  
19 Mr. Nishibori up to the model that you saw. Do  
20 you remember how you did that, how you knew or  
21 believed there was some connection between the  
22 two?

23 A. When the model was there -- I'm not  
24 exactly sure how that connected, but I knew that  
25 Shin had made this model.