

# Exhibit 2

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

APPLE INC., a California  
corporation,

Plaintiff,

vs.

CASE NO. 11-cv-01846-LHK

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.

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H I G H L Y   C O N F I D E N T I A L  
O U T S I D E   C O U N S E L   O N L Y

VIDEOTAPED DEPOSITION OF SCOTT FORSTALL  
REDWOOD SHORES, CALIFORNIA  
THURSDAY, OCTOBER 27, 2011

BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CCRR, CLR  
CSR LICENSE NO. 9830  
JOB NO. 43002

1 Apple legal.

2

3 SCOTT FORSTALL,

4 having been sworn as a witness,

5 by the Certified Shorthand Reporter,

6 testified as follows:

7

8

9 EXAMINATION BY MR. JOHNSON

10 MR. JOHNSON: Q. Good morning, Mr. Forstall.

11 A Good morning.

12 Q Have you been deposed before?

13 A Yes.

14 Q How many times?

15 A One time.

16 Q Do you remember what the case was that you  
17 were deposed in?

18 A Yes.

19 Q Can you tell me what it is.

20 A It was -- I'm going to -- there was -- it was  
21 a case in Texas, and I believe it had to do with, I  
22 guess, a number of things, but I think one was related  
23 to time machine. I remember there was a relation  
24 there, something with UI or some of the backup stuff  
25 we did. I think there were stacks in there. I think

1 of these elements that you have chosen by, I believe  
2 it says, you know, first gesture, which could be, say,  
3 a double tap, would involve potentially zooming in,  
4 so -- so enlarging that region.

5 So let's say you had many small areas,  
6 regions, all being displayed, say, on your iPhone, and  
7 you -- you double tap on one of these small logical  
8 regions. Let's say it's a -- it's a single column of  
9 a story. Then it would enlarge that to fill the  
10 display, potentially filling it from one side to the  
11 other.

12 And it may translate it because it might have  
13 been shifted over slightly to the left, and so it  
14 translates it so that the column is centered now on  
15 the display of the iPhone.

16 MR. JOHNSON: Q. What does "substantially  
17 centered" mean?

18 MR. JACOBS: Objection; form; legal  
19 conclusion.

20 MR. JOHNSON: I know what "centered" means.

21 Q What does substantially centered mean?

22 A So I'm not a lawyer, but the way I would take  
23 that to mean is, there are -- there are times, based  
24 on some -- some elements or some portion of a display,  
25 that you may not have it precisely in the center. So

1 you might not actually just take the -- the X length,  
2 divide by two, and then center that, you know,  
3 precisely from -- from one end of the screen to  
4 another. You may have it slightly off for some  
5 reason.

6 And there's a lot of reasons for that. I can  
7 postulate on several. One would be if we had a UI  
8 element at one side of the screen or another, and so  
9 you wouldn't want to center it within the entire  
10 display, but we'd want to center it within the region  
11 that isn't being taken up by the chrome of -- of the  
12 rest of the user interface.

13 Q Okay. And you mentioned, you know, X, then  
14 whatever -- whatever the length is and divide it up by  
15 two.

16 How much -- how much is substantially  
17 centered versus not substantially centered? At what  
18 point -- where do you draw the line, so to speak?

19 MR. JACOBS: Objection; form; legal  
20 conclusion.

21 THE WITNESS: I think many people can draw  
22 the line in many different ways. It's like asking,  
23 you know, what's the -- when you're taking a photo of  
24 someone, a portrait, what's -- what's the right way  
25 to -- to center them in a photo?

1           And so people center someone when they take a  
2 photo of someone. Some people will put the face of  
3 the person they're taking the photo of precisely and  
4 exactly in the -- you know, the midpoint of both X and  
5 Y of the viewfinder.

6           Some people will use the golden rule; right?  
7 So the golden rule is -- it's about 60-point-something  
8 percent up toward the -- the ver -- you know, the top  
9 of the viewfinder.

10           And so I would consider an example like that  
11 to be substantially centered but not in the center.  
12 It actually gives you a better feel for -- for the  
13 look and the composition of that.

14           So when I say it's substantially centered,  
15 you know, there are, you know, different ways to take  
16 it. But I would -- I would -- I would say that, you  
17 know, both of those would be valid ways of thinking of  
18 centering.

19           MR. JOHNSON: Okay.

20           Q    And if -- if I wanted to try and avoid using,  
21 you know, this particular element by enlarging and  
22 translating the structured electronic document so that  
23 the first box is substantially centered, if I wanted  
24 to try and avoid using this, you know, substantially  
25 centered piece of this claim, how would I do that?

1 screen versus in the precise X/Y center of the screen.

2 And I think there are reasons sometimes for the

3 substantially centered piece.

4 Here's an example. Let's say that the font

5 size -- and I think this is in some of the claims as

6 well -- is very, very, very small, and so you have a

7 huge logical region with some very, very small text.

8 Then when you zoom it in, you actually zoom in beyond

9 the bounds of -- of the screen to display more. And

10 so now you're sort of -- you're not necessarily

11 centering. In fact, it's -- it's partially off

12 screen.

13 And so what's most useful to -- to the user

14 of that wouldn't necessarily be to center the center

15 of that logical region, that box, that block, but to

16 figure out sort of how to -- how to get the right

17 information on screen.

18 And so you might not center the center point

19 of that box. You might actually right-justify it in

20 an attempt to get more of the text toward the left on

21 screen as well, which might be part of, you know, the

22 beginning of the story or whatever you're reading.

23 So you're -- you know, there's a number of

24 reasons that you may center directly in the center or

25 move it over. But in all cases, you're helping to --

1 to put sort of up front the -- the content the person  
2 cares to see.

3 MR. JOHNSON: Okay.

4 Q So is that a way to think of it? You're  
5 putting up front the content that the person cares to  
6 see?

7 A That's one way of looking at it.

8 Q Okay. This -- the '163 patent is used in  
9 Apple products; right?

10 A Yes.

11 Q And do you know which products?

12 A Certainly, it's in the iPhone, it's in the  
13 iPod Touch, it's in the iPad. I believe we added it  
14 to Mac OS X. I believe it's -- it was in Lion. It  
15 may be in Safari on Windows. I'm not positive about  
16 that.

17 Q Okay. And I'm just going to give you an  
18 iPhone and just sort of -- I just want to ask you, you  
19 know, this is just a web page that happens to be on  
20 my -- on the phone. And so can you show me the  
21 different -- just --

22 MR. JACOBS: I know what you're buying.

23 MR. JOHNSON: I just have it -- probably my  
24 kids at some point, but -- and, you know -- and I do  
25 have, just for the record, a Samsung device as well,



1 Q Yeah. The column down the left?

2 A Maybe the column. But also, it doesn't have  
3 to be just the column. It could actually be -- you  
4 know, if you look in here, there could be a story  
5 itself, which it itself is a box of content; not just  
6 the column itself, but the subpart of the column is  
7 the box.

8 Q Okay. All right.

9 So the next element says:

10 "Detecting a first gesture at a location on  
11 the displayed portion of the structured electronic  
12 document."

13 So that qualifies --

14 A Uh-huh.

15 Q -- right, me tapping it?

16 A Uh-huh.

17 Q "Determining a first box in the plurality of  
18 boxes at the location of the first gesture."

19 What would be the first box?

20 A Well, in that case, it seemed like this was  
21 the box over here that you tapped on.

22 Q Okay.

23 A And this actually is a great example where  
24 earlier we were talking about substantially centered.  
25 So this here is on the left-hand side, so it's not in

1 the center of -- of the phone. The reason is because  
2 the content of that box is on the left-hand side of  
3 the device. And even when zoomed in to the -- the  
4 appropriate size for you to read it, not too big in  
5 this case, you leave on part of the web page in the  
6 right-hand side.

7           Instead of zooming to a ridiculous size, you  
8 in some -- you know, at least in this embodiment, can  
9 make it so it's still at a reasonable size. And now  
10 it's actually 50 percent on the left-hand side. It's  
11 completely against the left-hand side; but it did zoom  
12 in and substantially centered it from being way on the  
13 side before until it came up.

14           Q    Yeah. But the -- the claim says -- because  
15 this is where I was going with this. I actually was  
16 asking about this. The claim says that the box is  
17 substantially centered on the touch -- on the touch  
18 screen display.

19           A    Right.

20           Q    So is this box right here substantially  
21 centered on the touch screen display?

22           A    Oh, I'd say yes. I'd say yes, because to  
23 move it such that you now have dead space, something  
24 empty -- in fact, if you move it, you know, over  
25 there, there's nothing there except what's behind it.

1 There's no reason for us to -- to actually lose  
2 content, meaning lose this right content, and push  
3 that off so you're seeing less data than you otherwise  
4 would, less detail than you otherwise would, by having  
5 it sized to the right size, and then not put this  
6 black bar, in this case a linen background bar, on the  
7 left-hand side.

8           So that's sort of part -- that's one of  
9 the -- you know, the points of the substantial part  
10 there is we don't want to get sort of, you know,  
11 ridiculous on how far we have to center it. The goal  
12 here is to zoom it up to something which works well  
13 for the user without going beyond what doesn't make  
14 sense.

15       Q    Okay. So -- so in your estimation, the left  
16 box here is substantially centered?

17       A    Uh-huh.

18       Q    It meets the requirements of the claims,  
19 right?

20       A    Uh-huh.

21       Q    And if it were even reduced, I mean, at that  
22 point it's no longer substantially centered, or is it?

23       A    Well --

24       Q    I zoomed out.

25       A    Right, right, right.

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CERTIFICATE OF REPORTER

I, ANDREA M. IGNACIO HOWARD, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth, and nothing but the truth in the within-entitled cause;

That said deposition was taken in shorthand by me, a Certified Shorthand Reporter of the State of California, and was thereafter transcribed into typewriting, and that the foregoing transcript constitutes a full, true and correct report of said deposition and of the proceedings which took place;

That I am a disinterested person to the said action.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of October, 2011.

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ANDREA M. IGNACIO HOWARD, RPR, CCRR, CLR, CSR No. 9830