

Exhibit 3

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 centered" means, but I presume we'll get there. 15:51:40

2 BY MR. MONACH:

3 Q. But you at least concluded that in some cases
4 when this first gesture was made on a first box, that
5 the Samsung-accused products did enlarge and translate 15:51:52
6 that box of content so that it was substantially
7 centered on the screen? You've observed that?

8 MS. MAROULIS: Objection; compound. Vague.

9 THE WITNESS: Can -- yes. I've observed it in
10 my operation of the devices. And I believe that there 15:52:08
11 is video support for that, too, which was offered in the
12 Singh report that shows where a box was shifted -- at
13 least in one direction -- to be centered. I believe it
14 was one of the videos as well, at least one of the
15 videos. 15:52:24

16 BY MR. MONACH:

17 Q. In all of the Samsung-accused products that
18 you tested, did they have the capability of doing what
19 you've just described, of determining a first box in a
20 layout that's similar to figure 5A and in response to 15:52:43
21 that first gesture enlarging, translating, and
22 substantially centering that content?

23 MS. MAROULIS: Objection; compound.

24 THE WITNESS: So of the products that I --
25 that I have tested, except for -- except for the tab -- 15:53:01

1 I think the tab 10.1. Then at least on one occasion in 15:53:11
2 the boxes that I tested, my best recollection today is
3 that there were none of the products which were
4 incapable of centering in at least one direction under
5 some circumstances when that first gesture selected a 15:53:30
6 box. My recollection -- or "substantially centered" is
7 the language. But not in all cases; there's cases where
8 they don't. But there are some -- some cases where at
9 least they did center it at some -- as best I can
10 recollect, or at least approximate a centering of it. 15:53:52

11 And, in fact, let me rephrase. I think that
12 my recollection is that even in the tab 10.1, there is
13 occasions when -- when it when it enlarged and
14 substantially centered. There's a further claim down
15 here that talks about enlarging to the width of the 15:54:15
16 display; and I think that's not the claim we're talking
17 about.

18 So I'll rephrase that. Let me correct that.

19 That even in the case of the tab 10.1, I think
20 it -- at least in certain conditions -- enlarged and 15:54:27
21 substantially centered the box that was at the first
22 location of the first gesture.

23 BY MR. MONACH:

24 Q. Okay. Is it your interpretation of -- let's
25 stick with Claim 50, that if the -- that -- I'll start 15:54:51

1 Q. The corrected version of the claim language 15:59:52

2 I'm not sure changes the meaning, but a corrected
3 version is, "While the first box is enlarged, a second
4 gesture on a second box other than the first box

5 instructions for in response to detecting the second 16:00:20

6 gesture translating the structured electronic document
7 so that the second box is substantially centered on the
8 touch-sensitive display."

9 You've observed that behavior, while the first
10 box is enlarged, there's a second gesture on a second 16:00:38

11 box other than the first box. And in response to
12 detecting the second gesture, translating the structured
13 electronic document so the second box is substantially
14 centered, right?

15 MS. MAROULIS: Objection; vague. 16:00:53

16 THE WITNESS: I believe that I have observed
17 on at least some of the accused devices the ability to,
18 while a first box is enlarged, select a -- select a
19 second box. And then in response to detecting the
20 second gesture, that that second box is substantially 16:01:15

21 centered -- translated so that the second box is
22 substantially centered on the touch screen display.

23 BY MR. MONACH:

24 Q. Have you tested any of the accused products
25 that Dr. Singh opines infringe the '163 patent that are 16:01:32

1 incapable of -- while the first box is enlarged -- 16:01:40
2 detecting a touch on the second box, and in response,
3 translating the structured electronic document so the
4 second box is substantially centered?

5 MS. MAROULIS: Objection; vague. 16:01:56

6 THE WITNESS: So my -- you'll recall a little
7 earlier in the day we were talking about some testing
8 that I had performed on a variety of different machines.
9 It is -- sitting here today -- and I characterize that
10 as informal testing. Sitting here today, I don't know 16:02:15

11 that I tested on all of those machines the ability to
12 detect the second gesture and do the -- the basic -- the
13 tap-to-scroll gesture. I don't know that I did test it
14 on there. So I can't -- with the same level of
15 authority -- say that there were those eight devices 16:02:32

16 that didn't do something; I didn't quite go that far
17 here. But I don't recollect observing any of the
18 Samsung products, the accused products that were
19 incapable of responding to a second gesture with a tap
20 to scroll. 16:02:49

21 BY MR. MONACH:

22 Q. "Tap to scroll" and "substantially centering"
23 on the second box of the electronic document?

24 A. Well --

25 MS. MAROULIS: Objection; compound. Vague. 16:02:59

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