

# **EXHIBIT 10**

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION  
4

5 APPLE INC., a California )  
corporation, )

6 )  
Plaintiff, )

7 vs. ) NO. 11-CV-01846-LHK  
)

8 SAMSUNG ELECTRONICS CO., )  
LTD., a Korean business )

9 entity; SAMSUNG ELECTRONICS )  
AMERICA, INC., a New York )

10 corporation; SAMSUNG )  
TELECOMMUNICATIONS AMERICA, )

11 LLC, a Delaware limited )  
liability company, )

12 )  
Defendants. )  
13 -----  
14  
15

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16 CONFIDENTIAL - ATTORNEYS' EYES ONLY

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17  
18 VIDEOTAPED DEPOSITION OF MATTHEW ROHRBACH  
19 SAN FRANCISCO, CALIFORNIA  
20 MONDAY, OCTOBER 24, 2011  
21  
22  
23

24 Reported By:  
Yvonne Fennelly, CCRR, CSR No. 5495  
25 JOB NO. 43006

1                                   October 24, 2011

2   10:13 A.M.

3

4                   Videotaped Deposition of MATTHEW ROHRBACH,  
5 held at the offices of QUINN EMANUEL, 50  
6 California Street, San Francisco, California,  
7 pursuant to Notice, before Yvonne Fennelly,  
8 CCRR, CSR 5495.

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18 BY: MICHAEL ZELLER, Esq.

19

20

21

22 VIDEOGRAPHER:

23 Alan Dias

24

25

1 document is trying to get across.

2 BY MR. ZELLER:

3 Q. And when you say "the document,"  
4 you're talking about the drawings and the other  
5 information here in the '889 design patent?

6 A. Correct.

7 Q. Is that saying because you don't have  
8 an understanding of what's being shown here?

9 A. I was familiar with the design at the  
10 time, but I don't know what the document is  
11 trying to communicate.

12 Q. Well, as you sit here now, based on  
13 everything that you know, do you have any  
14 knowledge or understanding as to what, if  
15 anything, was inventive about the design shown  
16 here in the '889 design patent?

17 MS. TAYLOR: Calls for a legal  
18 conclusion, and lacks foundation, and it calls  
19 for speculation.

20 THE WITNESS: No, I don't know what  
21 the document is trying to communicate.

22 BY MR. ZELLER:

23 Q. Based on all the information that you  
24 have available to you, was there anything about  
25 the shape that you consider to be new or

1 inventive as of the time that this invention was  
2 created?

3 MS. TAYLOR: Objection; it calls for  
4 a legal conclusion, and lacks foundation.

5 THE WITNESS: I don't know.

6 BY MR. ZELLER:

7 Q. Directing your attention to Figure 1  
8 of the '889 design patent, you'll see that this  
9 is an angled front view of the design.

10 Do you see that?

11 A. I think so. Figure 1.

12 Q. And you'll see that there is an  
13 interior rectangular shape on the front surface.

14 Do you see that?

15 A. Yes.

16 Q. Are those dotted lines or dash lines?

17 MS. TAYLOR: The document speaks for  
18 itself, and it lacks foundation.

19 THE WITNESS: I don't know.

20 BY MR. ZELLER:

21 Q. Does that set of rectangular lines  
22 that runs on the interior of the front depict  
23 anything?

24 MS. TAYLOR: Calls for speculation,  
25 and calls for a legal conclusion.

1 THE WITNESS: I don't know.

2 BY MR. ZELLER:

3 Q. Does that interior rectangular line  
4 indicate the difference between the active area  
5 of the display screen and the nonactive area?

6 MS. TAYLOR: Calls for speculation,  
7 and it calls for a legal conclusion.

8 THE WITNESS: I don't know.

9 BY MR. ZELLER:

10 Q. Do you have any knowledge or  
11 information as to what that interior rectangular  
12 line depicts?

13 MS. TAYLOR: Same objections.

14 THE WITNESS: I would be guessing.

15 BY MR. ZELLER:

16 Q. And why is it you can't ascertain  
17 that? Is there not enough information in the  
18 drawings here to tell you?

19 A. I don't understand the language of  
20 the patent drawing.

21 Q. Well, I'm not asking you to  
22 understand -- I'm not asking about the language  
23 of patent drawings. I'm asking you as an  
24 inventor, your understanding of this design  
25 patent.



1 Do you understand that?

2 A. Do I understand that you're asking me  
3 as an inventor listed on this document?

4 Q. Right.

5 A. Yes.

6 Q. Directing your attention to Figure 1,  
7 you'll see that in certain parts of the  
8 perimeter, of the front, there is a darker line  
9 that runs on that perimeter.

10 Do you see that?

11 A. I think so.

12 Q. And so that there's no doubt about  
13 this, you can see it most clearly as it runs on  
14 this bottom portion of the drawing.

15 Do you see that part right there?

16 A. Okay.

17 Q. And this is Figure 1 we're talking  
18 about.

19 A. Yes.

20 Q. Do you know what that darker line  
21 depicts?

22 A. No.

23 Q. Do you have any knowledge or  
24 information as to what that darker line depicts?

25 MS. TAYLOR: Calls for speculation,

1 lacks foundation.

2 THE WITNESS: No.

3 BY MR. ZELLER:

4 Q. Does that darker area depict the  
5 ventilation area that we talked about earlier  
6 for the tablet?

7 MS. TAYLOR: Same objections.

8 THE WITNESS: I don't know.

9 BY MR. ZELLER:

10 Q. It might, might not, you don't know  
11 one way or another?

12 MS. TAYLOR: Mischaracterizes his  
13 testimony.

14 THE WITNESS: I don't know what that  
15 line depicts.

16 BY MR. ZELLER:

17 Q. Right.

18 So it might depict the ventilation  
19 area, it might not, you don't know, you don't  
20 have an understanding; right?

21 MS. TAYLOR: Mischaracterizes his  
22 testimony, asked and answered.

23 THE WITNESS: Yeah, I don't know what  
24 that line depicts.

25 ///

1 BY MR. ZELLER:

2 Q. Well, is it the ventilation area?

3 MS. TAYLOR: Asked and answered,  
4 calls for speculation.

5 THE WITNESS: I don't know.

6 BY MR. ZELLER:

7 Q. Are you denying that that's the  
8 ventilation area?

9 MS. TAYLOR: Mischaracterizes his  
10 testimony, and unduly argumentative. Also calls  
11 for a legal conclusion.

12 THE WITNESS: I don't know what that  
13 line depicts.

14 BY MR. ZELLER:

15 Q. You don't know one way or another;  
16 right?

17 MS. TAYLOR: Asked and answered, and  
18 now you're harassing the witness.

19 THE WITNESS: I don't know what it  
20 depicts.

21 BY MR. ZELLER:

22 Q. Can you tell me one way or another  
23 whether it depicts the ventilation area? Yes or  
24 no?

25 MS. TAYLOR: Asked and answered,

1 and just hold that part of it up for the video  
2 camera so we'll have a clear record.

3 And you're pointing to an area where  
4 there are four connectors, more or less, next to  
5 one another on one of the sides of the mockups?

6 A. Yes.

7 Q. And you do not see those connectors  
8 as depicted on the mockup in Exhibit 841?

9 MS. TAYLOR: Do you want to take a  
10 lunch break before or after you get into other  
11 documents?

12 THE WITNESS: Correct.

13 MS. TAYLOR: It's almost 1:00.

14 MR. ZELLER: Yeah, we can do that.

15 MS. TAYLOR: Okay.

16 THE VIDEOGRAPHER: We are off the  
17 record at twelve- --

18 MS. TAYLOR: Are you done with this  
19 one?

20 MR. ZELLER: We're going off.

21 THE VIDEOGRAPHER: We're off the  
22 record at 12:49.

23 (Luncheon recess taken at 12:49 p.m.)

24 ---oOo---

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1 SAN FRANCISCO, CALIFORNIA; OCTOBER 24, 2011

2 2:10 p.m.

3 EXAMINATION (Resumed)

4 THE VIDEOGRAPHER: We are back on the  
5 record at 2:10 p.m. You may proceed.

6 BY MR. ZELLER:

7 Q. Directing your attention to the '889  
8 design patent.

9 A. Okay.

10 Q. This is what we previously marked as  
11 Exhibit 8.

12 What did you, yourself, contribute to  
13 this design that's shown in the '889 design  
14 patent?

15 MS. TAYLOR: Lacks foundation, and  
16 vague and ambiguous, calls for a legal  
17 conclusion.

18 THE WITNESS: I don't recall.

19 BY MR. ZELLER:

20 Q. Did you contribute anything to it?

21 A. Yes, I believe so.

22 Q. Please tell me what that was.

23 MS. TAYLOR: Well, one, it's vague  
24 and ambiguous, calls for a legal conclusion, and  
25 it's been asked and answered.

1 THE WITNESS: I don't recall.

2 BY MR. ZELLER:

3 Q. If you don't recall, then how do you  
4 recall if you contributed anything?

5 MS. TAYLOR: Objection; that's overly  
6 argumentative.

7 You can answer, if you can.

8 Calls for a legal conclusion as well.

9 THE WITNESS: I was there through the  
10 process.

11 BY MR. ZELLER:

12 Q. Well, you participated in the  
13 process, but my question is: Is did you  
14 contribute something to this design?

15 MS. TAYLOR: Asked and answered,  
16 calls for a legal conclusion, lacks foundation.

17 THE WITNESS: I don't recall exactly  
18 what.

19 BY MR. ZELLER:

20 Q. What, generally, did you contribute?

21 MS. TAYLOR: Asked and answered,  
22 calls for a legal conclusion, asked -- lacks  
23 foundation.

24 THE WITNESS: I don't know.

25 ///

1 BY MR. ZELLER:

2 Q. Is there anything you can point to  
3 whether it -- in the most general terms, that  
4 you, yourself, contributed to this design that's  
5 shown here in the '889 design patent?

6 MS. TAYLOR: Calls for a legal  
7 conclusion, lacks foundation.

8 THE WITNESS: No.

9 BY MR. ZELLER:

10 Q. Can you tell me what any of the other  
11 named inventors contributed to this design  
12 that's shown here in the '889 patent?

13 MS. TAYLOR: Calls for a legal  
14 conclusion, lacks foundation, calls for  
15 speculation.

16 THE WITNESS: No.

17 BY MR. ZELLER:

18 Q. Is the design that's shown here in  
19 the '889 design patent the design of the iPad?

20 MS. TAYLOR: Calls for a legal  
21 conclusion, also lacks foundation, calls for  
22 speculation, it's vague and ambiguous.

23 THE WITNESS: I don't know.

24 BY MR. ZELLER:

25 Q. Is the design that's shown here in

1 the '889 design patent the iPad 2 design?

2 MS. TAYLOR: Same objections; legal  
3 conclusion, speculation, lacks foundation, vague  
4 and ambiguous.

5 THE WITNESS: I don't know.

6 BY MR. ZELLER:

7 Q. Did Apple ever manufacture or produce  
8 a product that looks like the design that's  
9 shown here in the '889 design patent?

10 MS. TAYLOR: It's vague and  
11 ambiguous, calls for speculation, lacks  
12 foundation.

13 THE WITNESS: I don't know.

14 BY MR. ZELLER:

15 Q. I'm going to show you what was  
16 previously marked as Exhibit 6, which is a copy  
17 of United States Design Patent 593,087.

18 And please let me know when you've  
19 had a chance to look at the '087 design patent.

20 A. Okay.

21 Okay.

22 Q. Prior to the time that you became  
23 aware that there was a dispute between Samsung  
24 and Apple, did you see the '087 design patent?

25 A. Don't recall.



1 Q. You'll see that you're named as an  
2 inventor on the '087 design patent.

3 A. Yes.

4 Q. Please tell me, as an inventor on the  
5 '087 design patent, what was new or original  
6 about the design that's shown here on this  
7 patent --

8 MS. TAYLOR: Calls for --

9 BY MR. ZELLER:

10 Q. -- as of the time that it was  
11 invented?

12 MS. TAYLOR: Calls for a legal  
13 conclusion, calls for speculation, lacks  
14 foundation, it's vague and ambiguous.

15 THE WITNESS: I don't know.

16 BY MR. ZELLER:

17 Q. How was the design shown in the '087  
18 design patent different, in any way, from  
19 designs that were already in existence for  
20 electronic devices as of the time that the '087  
21 design was invented?

22 MS. TAYLOR: Calls for a legal  
23 conclusion, calls for speculation, lacks  
24 foundation, vague and ambiguous, and compound.

25 THE WITNESS: I don't know.

1 BY MR. ZELLER:

2 Q. What did you contribute to the design  
3 that's shown here in the '087 design patent?

4 MS. TAYLOR: Calls for a legal  
5 conclusion, lacks foundation, calls for  
6 speculation, vague and ambiguous.

7 THE WITNESS: I don't know.

8 BY MR. ZELLER:

9 Q. Did you, in fact, contribute anything  
10 to the design that's shown here in the '087  
11 design patent? And I'm talking about you  
12 personally.

13 MS. TAYLOR: Calls for a legal  
14 conclusion, speculation, lacks foundation, vague  
15 and ambiguous.

16 THE WITNESS: Yes.

17 BY MR. ZELLER:

18 Q. And please tell me the full basis for  
19 your statement.

20 MS. TAYLOR: Calls for a legal  
21 conclusion, calls for speculation, lacks  
22 foundation, vague and ambiguous.

23 THE WITNESS: I was involved in  
24 meetings with these people to talk about this  
25 product and work on the design of it.

1 BY MR. ZELLER:

2 Q. Anything else?

3 MS. TAYLOR: Same objections.

4 THE WITNESS: No.

5 BY MR. ZELLER:

6 Q. All right.

7 Can you tell me what any of the other  
8 named inventors here on the '087 design patent  
9 contributed to this design?

10 MS. TAYLOR: Same objections, legal  
11 conclusion, speculation, lacks foundation, vague  
12 and ambiguous.

13 THE WITNESS: No.

14 BY MR. ZELLER:

15 Q. I'm going to show you what was  
16 previously marked as Exhibit 7, which is a copy  
17 of United States Design Patent 618,677.

18 Please let me know when you've had a  
19 chance to review the '677 design patent.

20 A. Okay.

21 Q. Prior to the time that you first  
22 became aware that there was litigation or any  
23 kind of dispute between Apple and Samsung, had  
24 you seen the '677 design patent?

25 A. I don't recall.

1 Q. You'll see that you are named as an  
2 inventor on this document.

3 A. Yes.

4 Q. What was new or original about this  
5 design as of the time that the design that's  
6 shown here in the '677 was invented?

7 MS. TAYLOR: Calls for a legal  
8 conclusion, speculation, lacks foundation, vague  
9 and ambiguous.

10 THE WITNESS: I don't know.

11 BY MR. ZELLER:

12 Q. Was there anything new or original  
13 about it?

14 MS. TAYLOR: Same objections; legal  
15 conclusion, speculation, lacks foundation, vague  
16 and ambiguous.

17 THE WITNESS: I don't know.

18 BY MR. ZELLER:

19 Q. How -- well, let me ask this: Is the  
20 design that's shown in the '677 design patent  
21 different, in any way, from the designs that  
22 were already known as of the time that the '677  
23 design was invented?

24 MS. TAYLOR: Calls for speculation,  
25 and a legal conclusion, lacks foundation, vague

1 and ambiguous, and compound.

2 THE WITNESS: I don't know.

3 BY MR. ZELLER:

4 Q. What did you contribute to the design  
5 that's shown here in the '677 design patent?

6 MS. TAYLOR: Calls for a legal  
7 conclusion and speculation, lacks foundation,  
8 vague and ambiguous.

9 THE WITNESS: I don't recall.

10 BY MR. ZELLER:

11 Q. Did you contribute anything?

12 MS. TAYLOR: Same objections.

13 THE WITNESS: Yes.

14 BY MR. ZELLER:

15 Q. What did you contribute?

16 MS. TAYLOR: Same objections; legal  
17 conclusion, speculation, lacks foundation, vague  
18 and ambiguous.

19 THE WITNESS: I don't recall.

20 BY MR. ZELLER:

21 Q. Well, please tell me your full basis  
22 for saying that you did contribute to this  
23 design that's shown in the '677 design patent.

24 MS. TAYLOR: Calls for a legal  
25 conclusion and speculation, lacks foundation,

1 it's vague and ambiguous.

2 THE WITNESS: I was present in the  
3 team meetings that were conducted to work on  
4 this project.

5 BY MR. ZELLER:

6 Q. Anything else?

7 A. No.

8 Q. Can you tell me what any of the other  
9 named inventors to the '677 design patent  
10 contributed to the design?

11 MS. TAYLOR: Calls for a legal  
12 conclusion, speculation, lacks foundation, and  
13 it's vague and ambiguous.

14 THE WITNESS: No.

15 BY MR. ZELLER:

16 Q. Directing your attention to Figure 17  
17 of the '087 design patent.

18 A. Okay.

19 Q. Then directing your attention to  
20 Figure 3 of the '677 design patent.

21 A. Okay.

22 Q. And then also Figure 1 of the '677  
23 design patent.

24 A. Okay.

25 Q. Comparing the designs shown in those

1 figures, can you tell me if the design that's  
2 shown in Figure 17 of the '087 design patent is  
3 substantially the same or substantially  
4 different from the design shown in Figures 1 and  
5 3 of the '677 design patent?

6 MS. TAYLOR: Objection; it's vague  
7 and ambiguous, lacks foundation, calls for  
8 speculation, may call for a legal conclusion.

9 THE WITNESS: I can't tell.

10 BY MR. ZELLER:

11 Q. You don't have any knowledge or  
12 understanding on that?

13 A. Not reading the patent drawings. I  
14 don't have experience understanding the patent  
15 drawings.

16 Q. Based on all the information that you  
17 have available to you, and have ever had  
18 available to you, do you -- can you tell me  
19 whether or not the designs that are shown in the  
20 '087 design patent are substantially the same or  
21 substantially different than the designs shown  
22 in the '677 design patent?

23 MS. TAYLOR: I'm going to interject  
24 here because he says based on all the  
25 information you have available to you and have

1 ever had available to you, which could include  
2 attorney-client privileged communications, so  
3 when you're answering, you would not be -- you  
4 cannot divulge any attorney-client privileged  
5 communications in responding to the question.  
6 And then further, I'll object it calls for a  
7 legal conclusion, calls for speculation.

8 THE WITNESS: Can you read back the  
9 question, please?

10 (Record read.)

11 MS. TAYLOR: So it's the same  
12 caution, and I'm going to add that's also vague  
13 and ambiguous.

14 THE WITNESS: No, I can't tell if  
15 they're the same.

16 BY MR. ZELLER:

17 Q. What is new or original about the  
18 design that's shown in the '677 design patent as  
19 compared to what was already disclosed by the  
20 '087 design patent?

21 MS. TAYLOR: Calls for a legal  
22 conclusion and speculation, lacks foundation,  
23 vague and ambiguous.

24 THE WITNESS: I don't know.

25 ///



1 BY MR. ZELLER:

2 Q. Let me show you what was previously  
3 marked as Exhibit 751, which is a copy of United  
4 States Design Patent 622,70 (sic),

5 I'm also going to give you a copy of  
6 what was previously marked as Exhibit 429, which  
7 is another copy of the United States Design  
8 Patent 622,270, but this one has certain  
9 handwritten markings on it.

10 A. Okay.

11 MS. TAYLOR: The unmarked one, 751;  
12 is that correct?

13 MR. ZELLER: That's right.

14 THE WITNESS: Okay.

15 BY MR. ZELLER:

16 Q. Directing your attention to  
17 Exhibit 751.

18 A. Yes.

19 Q. Prior to the time you became aware  
20 that there was a dispute between Apple and  
21 Samsung, had you seen a copy of the '270 design  
22 patent?

23 A. I don't recall.

24 Q. We'll see you're named as an inventor  
25 on this document.