

EXHIBIT 11

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

5 APPLE INC., a California)
6 Corporation,)
7 Plaintiff,)
8 vs.) No. 11-CV-01846-LHK
9 SAMSUNG ELECTRONICS CO., LTD,)
10 a Korean business entity;)
11 SAMSUNG ELECTRONICS AMERICA,)
12 INC., a New York corporation;)
13 SAMSUNG TELECOMMUNICATIONS)
14 AMERICA, LLC, a Delaware)
15 limited liability company,)
16 Defendants.)
17)
18

19 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
20 VIDEOTAPED DEPOSITION OF EUGENE WHANG
21 THURSDAY, OCTOBER 27, 2011
22
23

24 REPORTED BY:
25 JANIS JENNINGS, CSR 3942, CLR, CCRR

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DEPOSITION OF EUGENE WHANG, taken
on behalf of the Defendant, at QUINN EMANUEL
URQUHART & SULLIVAN, 555 Twin Dolphin Drive,
Suite 504, Redwood Shores, California,
commencing at 10:14 a.m., Thursday, October 27,
2011, before Janis L. Jennings, Certified
Shorthand Reporter No. 3942, CLR, CCRR.

1 APPEARANCES OF COUNSEL:

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23 ALSO PRESENT:

24 ERICA TIERNEY, Apple Inc.

25 ALAN DIAS, Videographer

1 Q. Can you please turn to figure 2.

2 And you'll see there on figure 2 along one
3 edge of the device there seems to be a small, round
4 port.

5 A. Yep. There seems to be a little dotted --
6 some kind dotted line running around.

7 Q. Uh-huh. Okay. And then on the other edge
8 of the device that you can see in that same drawing,
9 there appears to be a rectangular type of port.

10 A. Yes.

11 Q. Okay. And can you please refer to
12 figure 6 as well.

13 And I'm sorry. If you look at the first
14 page of the patent, it indicates that figure 6 is a
15 right-side view.

16 A. Okay.

17 Q. And can you see, again, the round feature
18 on figure 6?

19 A. Yes.

20 Q. And on figure 8 -- which is a lower side
21 view, according to the first page of the patent --
22 can you see that there is a rectangular feature
23 along that edge?

24 A. Yes.

25 Q. Is the design depicted in this patent

1 reflected in one of the two devices in front of you?

2 MR. HUNG: Objection. Vague. Foundation.
3 Calls for a legal conclusion. Calls for an expert
4 opinion.

5 THE WITNESS: There doesn't seem to be
6 enough information in the drawings to -- for me to
7 say if it's -- if it's representative of one of
8 these. There are some similarities, but, you know,
9 there's -- there's also differences.

10 BY MS. NEILL:

11 Q. So the -- let's just take the one that is
12 closest to you, the mockup that is sitting closest
13 to you, the prototype.

14 A. Okay.

15 Q. Is that different from the design that is
16 pictured in these drawings?

17 MR. HUNG: Objection. Vague.

18 THE WITNESS: To me, yes, they appear to
19 be different.

20 BY MS. NEILL:

21 Q. What differences do you notice?

22 A. Well, in figure 1 and from my view, in the
23 mockup there's a perimeter kind of vent detail.
24 That isn't depicted here, from what I can see.

25 Also, with this drawing, I can't really

1 tell what the -- what the surface is -- what the
2 surface quality or the finish or what the material
3 intent is, so I can't -- I can't really point to any
4 other kind of details.

5 Q. If you will take a look for a second at
6 figure 2, please.

7 A. Okay.

8 Q. You will see in figure 2, which is a
9 bottom perspective view, that there are a series of
10 diagonal lines.

11 A. Yes.

12 Q. What do those represent?

13 MR. HUNG: Objection. Foundation.

14 THE WITNESS: I don't -- I don't know.

15 BY MS. NEILL:

16 Q. If you please turn to figure 4, which is a
17 bottom view. Are those lines present?

18 A. Of the same lines as in the last figure?

19 Q. Yes. As in figure 2.

20 A. It doesn't appear -- they don't appear to
21 be there.

22 Q. Do you know why they're not there?

23 A. No.

24 Q. And going back to the lines that are in
25 figure 2, do you have under- -- any understanding as

1 to what those lines may reflect?

2 A. No.

3 Q. In figure 1, do you also see a series of
4 diagonal lines?

5 A. Yes.

6 Q. Do you have any understanding as to what
7 those lines may reflect?

8 A. No, I don't.

9 Q. In figure 1 again, to bring your attention
10 to that, you can see around the front of the device
11 there appears to be a line, basically the perimeter
12 of the front, that appears to be thicker along
13 the -- the way I'm looking at it, it would be the
14 left edge and the bottom edge.

15 A. Okay.

16 Q. Do you see that line?

17 A. I mean, I see a line that gets -- that
18 starts off around here as one thickness, and then
19 down on the bottom edge, it kind of goes thicker.

20 Q. Uh-huh.

21 A. Yep.

22 Q. Do you think it's possible that that line
23 depicts the vent?

24 MR. HUNG: Objection. Calls for
25 speculation. Calls for a legal conclusion. Calls