

EXHIBIT 4

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

4 APPLE INC., a California
corporation,

5
6 Plaintiff,

7 vs.

Case No. 11-CV-01846-LHK

8 SAMSUNG ELECTRONICS CO., LTD.,
a Korean business entity;

9 SAMSUNG ELECTRONICS AMERICA,
INC., a New York corporation;

10 SAMSUNG TELECOMMUNICATIONS
AMERICA, LLC, a Delaware
11 limited liability company,

12 Defendants.

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15 CONFIDENTIAL
16 ATTORNEYS' EYES ONLY
17 OUTSIDE COUNSEL

18 VIDEOTAPED DEPOSITION OF DANIEL COSTER
San Francisco, California
19 Thursday, October 27, 2011
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21
22 Reported by:

LORRIE L. MARCHANT, CSR No. 10523

23 RPR, CRR, CCRR, CLR

24 JOB NO. 43003
25

1 October 27, 2011

2 9:57 a.m.

3

4 Videotaped Deposition of

5 DANIEL COSTER, held at the offices of

6 Quinn Emanuel Urquhart & Sullivan,

7 LLP, 50 California Street, 22nd

8 Floor, San Francisco, California,

9 before Lorrie L. Marchant, a Certified

10 Shorthand Reporter, Registered

11 Professional Reporter, Certified

12 Realtime Reporter, California

13 Certified Realtime Reporter and

14 Certified LiveNote Reporter.

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A P P E A R A N C E S :

FOR THE PLAINTIFF APPLE INC.:

MORRISON & FOERSTER, LLP

BY: MATTHEW I. KREEGER, ESQ.

425 Market Street

San Francisco, California 94105-2482

Phone: (415)268-6538

Fax: (415) 268-7522

e-mail: mkreeger@mofo.com

FOR THE DEFENDANTS SAMSUNG:

QUINN EMANUEL URQUHART & SULLIVAN, LLP

BY: MICHAEL ZELLER, ESQ.

865 S. Figueroa Street, 10th Floor

Los Angeles, California 90017

Phone: (213) 443-3000

Fax: (213) 443-3100

e-mail: michaelzeller@quinnemanuel.com

and

BY: SCOTT C. HALL, ESQ.

555 Twin Dolphin Drive, 5th Floor

Redwood Shores, California 94065

Phone: (650) 801-5000

Fax: (650) 801-5100

e-mail: scotthall@quinnemanuel.com

ALSO PRESENT:

David Edward Melaugh

Apple Principal Counsel Litigation

Jake Krohn, Videographer

---oOo---

1 get taken literally.

2 You don't have an opinion one way or
3 another whether the design that's shown here in the
4 '889 design patent is the same or substantially the
5 same as the iPad 2 design?

6 A. Correct.

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

9 A. Yes.

10 Q. -- and specifically Figure 2, you'll see
11 that on the -- the -- the surface that's depicted
12 here of the device there are three sets of diagonal
13 lines?

14 A. Yes.

15 Q. Do you know what those diagonal lines
16 depict or mean?

17 A. No.

18 Q. If you could please take a look at
19 Figure 4.

20 A. Yes.

21 Q. You'll see that this is another view of
22 the -- what it says here is the bottom perspective,
23 the bottom view of the device.

24 A. I don't see where it says bottom
25 perspective. Sorry.

1 Q. Well, I'll show you where that is.

2 If you look back at the first page.

3 A. Yes.

4 Q. In that second column, under the words
5 "description" --

6 A. Yes.

7 Q. -- it says, Figure 2 is a bottom
8 perspective view thereof.

9 A. Bottom view thereof.

10 Q. Right. Do you see that part?

11 A. Yes.

12 Q. And then it also says, Figure 4 is a bottom
13 view thereof?

14 A. Oh, yes.

15 Q. And so taking a look, then, at --

16 A. Thank you.

17 Q. -- Figure 4, which is another view of the
18 bottom of the device --

19 A. Yes.

20 Q. -- do you have any understanding as to why
21 those diagonal lines that were shown on Figure 2 on
22 the bottom are not shown in Figure 4?

23 A. No. I'm sorry. I don't.

24 Q. If you could please take a look at the last
25 page of the '889 design patent. This is Figure 9.

1 You'll see that from the perspective of
2 the -- the man holding the device in the -- in the
3 drawing that the top of the device is somewhat wedge
4 shaped. Do you see that? Or tapering.

5 A. Okay.

6 Q. Do you know whether or not the design
7 that's shown in this design patent is showing a --
8 an edge that is -- is tapering or wedge shaped?

9 A. No. I couldn't tell from the drawing.
10 Sorry.

11 Q. And then also on Figure 9, you'll see that
12 there is a thicker, darker line that runs part of
13 the perimeter of the front.

14 A. Can you show that to me?

15 Q. Sure. It's that darker, thicker part
16 (indicating).

17 A. Okay.

18 Q. There's a line that runs around at least
19 part of the perimeter that can be seen of Figure 9.

20 A. Yes. Well, is it -- is it two lines
21 together?

22 Q. Well, that was going to be one of my
23 questions.

24 Do you know if it is?

25 A. It's hard to know. The drawing is so bad.

1 Q. Do you know what, if anything, that line
2 depicts?

3 A. No, I don't. I'm sorry.

4 Q. I'm going to show you what's previously
5 marked as Exhibit 751, which is a copy of United
6 States Design Patent 622,270. And then I'm going to
7 show you another copy of the '270 design patent
8 which we have marked as Exhibit 429.

9 And for the record, the copy of it that's
10 marked as Exhibit 429 has some handwritten markings
11 on it, which is why it's marked separately.

12 And if you could please take a look at the
13 '270 design patent, the one that we've marked as
14 Exhibit 751.

15 A. Yes.

16 Q. You'll see that you're a named inventor on
17 this -- this design patent.

18 A. Yes.

19 Q. Was this a design you worked on at some
20 point?

21 A. Yes.

22 Q. And do you recognize, generally, what the
23 device is that this shows?

24 A. Yes.

25 Q. Is it the -- the first iPod touch?