

EXHIBIT 5

CONFIDENTIAL BUSINESS INFORMATION SUBJECT TO PROTECTIVE ORDER

Page 1

1 UNITED STATES INTERNATIONAL TRADE COMMISSION

2 Washington, D.C.

3 Before the Honorable Charles E. Bullock

4 Acting Chief Administrative Law Judge

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6 In the Matter of:)

7 CERTAIN ELECTRONIC DIGITAL)

8 MEDIA DEVICES AND COMPONENTS) Inv. No. 337-TA-796

9 THEREOF)

10)

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14 CONFIDENTIAL BUSINESS INFORMATION

15 SUBJECT TO PROTECTIVE ORDER

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17 DEPOSITION OF KURT DAMMERMANN

18 FRIDAY, MARCH 23, 2012

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24 REPORTED BY:

25 JANIS JENNINGS, CSR 3942, CLR, CCRR

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DEPOSITION OF KURT DAMMERMANN, taken
on behalf of the Respondent, at 50 California
Street, 22nd Floor, San Francisco, California,
commencing at 8:57 a.m., Friday, March 23,
2012, before Janis L. Jennings, Certified
Shorthand Reporter No. 3942, CLR, CCRR.

1 APPEARANCES OF COUNSEL:

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3 FOR THE COMPLAINANT:

4 MORRISON & FOERSTER

5 BY: BITA RAHEBI, ESQ.

6 555 West Fifth Street

7 Los Angeles, California 90013

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11 FOR THE RESPONDENT:

12 QUINN EMANUEL URQUHART & SULLIVAN

13 BY: MICHAEL T. ZELLER, ESQ.

14 865 South Figueroa Street

15 Los Angeles, California 90017

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21 ALSO PRESENT:

22 BENJAMIN GERALD, Videographer

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1 THE WITNESS: No, I can't tell.

2 BY MR. ZELLER:

3 Q. Can you tell from -- directing your
4 attention to the '677 design patent, which is
5 Exhibit 16, can you tell whether what's depicted
6 here shows a flat, clear, continuous surface that
7 runs from edge to edge?

8 MS. RAHEBI: Same objections.

9 THE WITNESS: No, I can't tell for
10 certain.

11 MR. ZELLER: Please mark as Exhibit 17 --

12 DEPOSITION REPORTER: 18.

13 MR. ZELLER: 18. Please mark as
14 Exhibit 18 a copy of United States design patent
15 593,087.

16 (Exhibit 18 was marked for identification
17 and attached hereto.)

18 MS. RAHEBI: Thank you.

19 THE WITNESS: Okay.

20 BY MR. ZELLER:

21 Q. Do you recognize what's depicted here in
22 the '087 design patent as any device that Apple has
23 manufactured and sold?

24 MS. RAHEBI: Objection. Lacks foundation.

25 THE WITNESS: If I had to guess, it would

1 be this iPhone in front of me.

2 BY MR. ZELLER:

3 Q. Is that a guess, or is that your
4 understanding?

5 A. That's a guess. It could be other
6 iPhones, I suppose.

7 Q. Do you have an understanding as to whether
8 the design that's depicted here in the '087 was ever
9 used for an Apple device that was sold to market,
10 apart from speculating?

11 MS. RAHEBI: Objection. Lacks foundation.
12 Calls for speculation.

13 THE WITNESS: Yeah, I don't know.

14 BY MR. ZELLER:

15 Q. I'm sorry. So we have a clear record on
16 this, short of speculating or other than
17 speculating, you don't have -- you don't recognize
18 what's depicted here in the '087 design patent as a
19 manufactured Apple product?

20 A. Yeah, I can't be sure. I can't be sure
21 for certain that this is definitely this product or
22 another product.

23 Q. Or any other Apple product?

24 A. Or any other Apple product.

25 MS. RAHEBI: Objection. Calls for

1 speculation. Lack of foundation. Calls for expert
2 testimony.

3 MR. ZELLER: Please mark as Exhibit 19 a
4 one-page document consisting of three side-by-side
5 images.

6 (Exhibit 19 was marked for identification
7 and attached hereto.)

8 MS. RAHEBI: Thank you.

9 BY MR. ZELLER:

10 Q. Directing your attention to these images
11 here on Exhibit 9 [sic], in terms of the impression
12 that they create for you, do these look more or less
13 like the same design?

14 MS. RAHEBI: Objection. Vague and
15 ambiguous.

16 THE WITNESS: Yeah. I mean, it's hard to
17 tell. They're very basic drawings. I can't really
18 say whether they're similar or not similar.

19 BY MR. ZELLER:

20 Q. Do any of these images that are here on
21 Exhibit 19 look like iPhone designs to you?

22 MS. RAHEBI: Objection. Vague and
23 ambiguous.

24 THE WITNESS: I suppose they all could be
25 or all might not be iPhone designs.