

# **EXHIBIT 6**

CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 1

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

4 APPLE INC., a California  
5 corporation,

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  
11 AMERICA, LLC, a Delaware  
limited liability company,

12 Defendants.

-----/

13

14

15

16

17 CONFIDENTIAL ATTORNEYS' EYES ONLY

18

19 VIDEOTAPED DEPOSITION OF DANIELE De IULIIS  
20 Redwood Shores, California  
Friday, October 21, 2011

21

22 Reported by:  
LORRIE L. MARCHANT, CSR No. 10523, RPR, CRR, CCRR, CLR  
23 JOB NO. 43000

24

25

1 Friday, October 21, 2011

2 10:13 a.m.

3

4 Videotaped Deposition of DANIELE De

5 IULIIS, held at the offices of Quinn

6 Emanuel Urqhart & Sullivan, LLP, 555

7 Twin Dolphin Drive, Suite 560, Redwood

8 Shores, California, before Lorrie L.

9 Marchant, a Certified Shorthand

10 Reporter, Registered Professional

11 Reporter, Certified Realtime Reporter,

12 California Certified Realtime Reporter

13 and Certified LiveNote Reporter.

14

15

16

17

18

19

20

21

22

23

24

25

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

2   FOR THE PLAINTIFF APPLE INC.:

3           MORRISON & FOERSTER  
4           BY: ANDREW E. MONACH, ESQ.  
5           425 Market Street  
6           San Francisco, California 94105  
7           Phone: (415) 268-7588  
8           Fax: (415) 268-7522  
9           e-mail: amonach@mofo.com

10   FOR THE DEFENDANTS SAMSUNG:

11           QUINN EMANUEL URQUHART & SULLIVAN  
12           BY: MARGRET CARUSO, ESQ.  
13           SCOTT HALL, ESQ.  
14           555 Twin Dolphin Drive  
15           Redwood Shores, California 94065  
16           Phone: (650) 801-5000  
17           Fax: (650) 801-5100  
18           e-mail: margretcaruso@quinnemanuel.com  
19                           scotthall@quinnemanuel.com

20   ALSO PRESENT:

21           Lisa Olle, Apple Senior Corporate Counsel, Litigation  
22           Jason Kocol, Videographer

23   ---oOo---

24  
25

1 BY MS. CARUSO:

2 Q. Aside from Steve Jobs, do any of the named  
3 inventors of the D087 patent have responsibilities  
4 within Apple other than that of industrial design?

5 A. All the named inventors, with the exception  
6 of Steve Jobs, work within or have worked within the  
7 industrial design department.

8 Q. What do you understand to be new about the  
9 design reflected in the D087 patent?

10 MR. MONACH: Objection. Vague and  
11 ambiguous. Objection to the extent it calls for a  
12 legal conclusion. Lacking in foundation that this  
13 witness has an exhaustive knowledge of what went --  
14 everything that went before.

15 THE WITNESS: If I look at this  
16 first-generation iPhone, I don't recall seeing  
17 anything on the market like this prior to the  
18 arrival of this first iPhone.

19 BY MS. CARUSO:

20 Q. What about it do you not remember seeing  
21 anything like before?

22 MR. MONACH: Object to the question as  
23 vague and ambiguous, lacking in foundation.

24 THE WITNESS: I don't recall seeing  
25 anything like the iPhone before it entered the

1 market.

2 BY MS. CARUSO:

3 Q. Before the iPhone entered the market, do  
4 you recall seeing rectangular-shaped cell phones?

5 A. You'd have to show me -- those are words  
6 that are meaningless to me. I'm sorry. In the  
7 sense that they -- that word is so vague that  
8 doesn't -- I would be lying if I said yes and no.

9 Q. So the word "rectangular" is too vague for  
10 you to understand?

11 MR. MONACH: Objection. It misstates the  
12 prior question which was rectangular-shaped cell  
13 phones.

14 THE WITNESS: The term "rectangle" I  
15 understand perfectly well. But to then ascribe  
16 rectangle to form, I -- that's where I'm lost.

17 BY MS. CARUSO:

18 Q. Why is that?

19 A. Because a rectangle doesn't describe a  
20 form.

21 Q. By "form," are you referring to a  
22 three-dimensional shape?

23 A. I think -- the way I understand "form," the  
24 way I use the word "form," would be in its overall  
25 three-dimensional shape.

1 Q. Before the iPhone was introduced, did you  
2 see phones that had a rectangular shape from the  
3 front view?

4 MR. MONACH: Objection. Vague.

5 THE WITNESS: Again, it's -- I have to go  
6 back to -- that doesn't mean anything to me.

7 BY MS. CARUSO:

8 Q. I'm just trying to understand why that is.

9 A. Because I'm a designer. I -- I spend my  
10 life -- I would be fired if I said, hey, let's do  
11 this -- let's -- that doesn't mean anything. We  
12 spend all our time defining things to microns. So I  
13 don't know how to answer your question.

14 Q. So I just want to make sure I understand.  
15 Whether or not any given prior phone was  
16 rectangular, in order for you to assess whether that  
17 was like the iPhone in its shape, you would need to  
18 know more specifics with that rectangular shape?

19 MR. MONACH: Objection. Vague. Incomplete  
20 hypothetical.

21 THE WITNESS: I think I understand where  
22 you're going with this, but I still -- I don't --  
23 yeah, I'm sort of confused by "rectangle."

24 BY MS. CARUSO:

25 Q. Would you agree that the iPhone first

1 generation has rounded corners?

2 MR. MONACH: Objection. Vague.

3 THE WITNESS: It's not a description I  
4 would use.

5 BY MS. CARUSO:

6 Q. Irrespective of whether you would use that  
7 description or not, do you agree that the  
8 first-generation iPhone has rounded corners?

9 MR. MONACH: Objection. Vague.

10 THE WITNESS: I think that would fall into  
11 the same category as rectangle. A rounded corner  
12 means -- I wouldn't know how to interpret that.

13 BY MS. CARUSO:

14 Q. I'm holding up -- this is not the  
15 first-generation iPhone; it's a later generation.  
16 Do you agree that it has a rounded corner; in fact,  
17 four rounded corners?

18 MR. MONACH: Same objection. Vague and  
19 ambiguous and lacking in foundation in light of the  
20 prior testimony.

21 THE WITNESS: As an industrial designer, we  
22 don't even think we have the vocabulary to better  
23 explain form, shape, many elements of what we use --  
24 of what you're seeing and what you're touching. And  
25 whether we do it through sketches, but better still



1 through three-dimensional design and models, we  
2 don't -- it's -- it's too super simplify is not --  
3 it is kind of anathema to the way we think and hold  
4 these products in our mind and communicate with  
5 them.

6 BY MS. CARUSO:

7 Q. So when I asked the question, do you agree  
8 that the iPhone has four rounded corners, that  
9 question simply has no meaning to you?

10 MR. MONACH: Objection. Asked and  
11 answered. Vague. Starting to get argumentative,  
12 since he's answered.

13 THE WITNESS: I think I've answered that  
14 one.

15 BY MS. CARUSO:

16 Q. Answer, please.

17 MR. MONACH: Same objection.

18 THE WITNESS: I think I did.

19 MR. MONACH: What's the question?

20 BY MS. CARUSO:

21 Q. Is it the case, yes or no, that the  
22 question of whether the iPhone has four rounded  
23 corners has no meaning to you?

24 MR. MONACH: Objection. Vague and  
25 ambiguous. Argumentative. Asked and answered.

CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 161

1 THE WITNESS: I would never use terms,  
2 words, that would even distill, simplify, reduce  
3 what I think of that form in your hand per the  
4 description you've given it.

5 BY MS. CARUSO:

6 Q. So you can't answer the question of whether  
7 the iPhone has four rounded corners?

8 MR. MONACH: Objection. Vague and  
9 ambiguous. Asked and answered.

10 THE WITNESS: I think I've answered it.

11 BY MS. CARUSO:

12 Q. I think I've heard you say that you can't  
13 answer it.

14 MR. MONACH: Hang on a second. Wait until  
15 there's a question pending. There's a statement  
16 pending.

17 BY MS. CARUSO:

18 Q. Do you believe that you're unable to answer  
19 that question? Yes or no.

20 MR. MONACH: Objection. Vague and  
21 ambiguous. Argumentative. Asked and answered.

22 He has given answers multiple times. You  
23 just don't like it, the answer.

24 BY MS. CARUSO:

25 Q. I'm asking you a different question than

CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 162

1 I've asked before. My question is, you are unable  
2 to give a "yes" or "no" answer to the question of  
3 whether the iPhone has rounded corners?

4 MR. MONACH: Objection. Argumentative.  
5 Vague. Asked and answered.

6 THE WITNESS: You can't.

7 BY MS. CARUSO:

8 Q. That doesn't excuse you. You still have to  
9 answer.

10 A. I'm not sure of the rules here.

11 One more time.

12 Q. You are unable to answer with the response  
13 "yes" or "no" the question, does the iPhone have  
14 four rounded corners?

15 MR. MONACH: Objection. Vague and  
16 ambiguous. Argumentative. Asked and answered.

17 THE WITNESS: I don't believe I can answer  
18 that question in a "yes" or "no" fashion.

19 BY MS. CARUSO:

20 Q. Do you believe that the iPhone design as  
21 reflected in the D087 patent has a large display  
22 screen relative to the overall size of the product?

23 MR. MONACH: Objection. Vague and  
24 ambiguous. Also object to the extent it calls for a  
25 legal conclusion.

CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 163

1 THE WITNESS: I see a large display.

2 BY MS. CARUSO:

3 Q. Are you aware of any foreign counterparts  
4 to the D087 design patent?

5 MR. MONACH: Objection. Lack of  
6 foundation. Objection to the extent it calls for a  
7 legal conclusion about what a counterpart is.

8 THE WITNESS: If I understand the question,  
9 I -- I'm not aware of --

10 BY MS. CARUSO:

11 Q. I'll ask a different question.

12 Are you aware of any applications Apple has  
13 made in foreign countries for design protection of  
14 the first-generation iPhone?

15 MR. MONACH: Objection. Lack of  
16 foundation. Calls for speculation.

17 THE WITNESS: I would be guessing. I don't  
18 know. I'm not sure.

19 MR. MONACH: While we're switching to a new  
20 document, maybe we should take a break.

21 MS. CARUSO: All right. But let's try to  
22 make it quick.

23 THE WITNESS: Thank you.

24 THE VIDEOGRAPHER: The time is 4:25 p.m.  
25 We are off the record.