

EXHIBIT 7

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

4 APPLE INC., a California
corporation,

5 Plaintiff,

Case No.

6 vs.

11-CV-01846-LHK

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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
limited liability company,

11 Defendants.

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15 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

16
17 VIDEOTAPED DEPOSITION OF RICHARD HOWARTH
18 San Francisco, California
19 Monday, October 31, 2011
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23 REPORTED BY:

24 CYNTHIA MANNING, CSR No. 7645, CLR, CCRR
25 JOB NO. 43007

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October 31, 2011

10:31 a.m.

Deposition of RICHARD HOWARTH, taken on behalf of the Defendants, at 50 California Street, 22nd Floor, San Francisco, California, before Cynthia Manning, Certified Shorthand Reporter No. 7645, Certified LiveNote Reporter, California Certified Realtime Reporter.

1 APPEARANCES:

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3 FOR PLAINTIFF:

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16 ALSO PRESENT:

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Erica Tierney, Esq., Apple Inc.

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Alan Dias, Videographer

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1 Q. You're named as an inventor of the '889
2 design?

3 A. I was one of the industrial design team
4 that worked on this product.

5 Q. Looking at the drawings, these figures
6 that are in the '889 design patent, do any of
7 those drawings show what you, in your view --
8 well, I'm sorry. Let me rephrase it.

9 Directing your attention to the figures
10 and drawings in the '889 design patent.

11 Do any of those drawings show a mask
12 area?

13 MR. MONACH: Objection; lack of
14 foundation. Objection; compound. Objection;
15 calls for a legal conclusion by a nonlawyer
16 witness.

17 THE WITNESS: I'm not a patent lawyer.

18 BY MR. ZELLER:

19 Q. I'm not asking you as a patent lawyer.
20 I'm asking you as an inventor of the '889 design
21 patent.

22 Do any of the drawings or figures in the
23 '889 design patent depict a mask area?

24 MR. MONACH: Same objection; lack of
25 foundation --

1 THE WITNESS: As --

2 MR. MONACH: Hang on a second.

3 Lack of foundation. Objection, to the
4 extent it calls for a legal conclusion.

5 THE WITNESS: As an industrial designer,
6 and not a patent lawyer, it isn't clear to me that
7 there is an area here that is definitely a mask or
8 border.

9 BY MR. ZELLER:

10 Q. Directing your attention to Figure 1.

11 A. Yes.

12 Q. You'll see that on the interior of
13 Figure 1, that there is a rectangular line.

14 Do you see that?

15 A. I see a dotted line.

16 Q. Do you know, is that -- is that a broken
17 line?

18 MR. MONACH: Objection; lack of
19 foundation. Under the Best Evidence Rule the
20 document speaks for itself. Vague.

21 THE WITNESS: It looks like a dotted
22 line. It looks like an inconsistent dotted line.

23 BY MR. ZELLER:

24 Q. Do you know why it's in that form? Do
25 you have an understanding?

1 MR. MONACH: Objection; lack of
2 foundation.

3 And let me just caution you. I'm not
4 saying you did have any such communications, but I
5 don't want you, in answering any of these
6 questions, to reveal any attorney-client
7 communications.

8 THE WITNESS: Okay. I'm not exactly sure
9 what that rectangle is depicting.

10 BY MR. ZELLER:

11 Q. Do you know if that dotted line that you
12 were talking about that's in that rectangular
13 shape on the interior of Figure 1 has some
14 relationship to separating the active area of the
15 display from the mask or nonactive areas of the
16 display?

17 MR. MONACH: Objection; lack of
18 foundation, calls for speculation. Object, to the
19 extent it's asking for a legal conclusion.

20 THE WITNESS: I'm not sure what that line
21 represents.

22 BY MR. ZELLER:

23 Q. And I take it you don't have an
24 understanding as to whether or not that particular
25 line, this rectangular line on the interior of

1 Figure 1 that's dotted, is part of the claimed
2 design here?

3 MR. MONACH: Objection; lack of
4 foundation. Objection, to the extent it calls for
5 a legal conclusion.

6 THE WITNESS: I'm not sure what that line
7 represents.

8 BY MR. ZELLER:

9 Q. Directing your attention to Figure 2 of
10 the '889 design patent.

11 You'll see that there are three sets of
12 diagonal lines on the interior of this.

13 A. Yes.

14 Q. And then directing your attention to
15 Figure 4.

16 You'll see that it doesn't have those
17 diagonal lines.

18 A. Okay.

19 Q. Do you see that?

20 A. Yes, I see that.

21 Q. Do you have any understanding or
22 explanation as to why those diagonal lines don't
23 appear in Figure 4 but they do appear in Figure 2?

24 MR. MONACH: Objection; lack of
25 foundation. Objection, to the extent it calls for

1 a legal conclusion.

2 THE WITNESS: I'm not sure why those
3 lines are in one view and not in another.

4 BY MR. ZELLER:

5 Q. Do you know if the design that's shown
6 here in the '889 design patent is showing a back
7 surface or bottom surface that is flat and clear?

8 MR. MONACH: Same objection; lack of
9 foundation. Object, to the extent it calls for a
10 legal conclusion.

11 THE WITNESS: I'm not sure what that is
12 depicting.

13 BY MR. ZELLER:

14 Q. Is the design that's shown here in the
15 '889 design patent, by your understanding, does
16 it -- well, I'm sorry. Let me rephrase that.

17 Directing your attention to the '889
18 design patent.

19 In your view, as an inventor and a
20 designer, does this design show a clear front
21 surface of the device?

22 MR. MONACH: Objection; lack of
23 foundation. Objection, to the extent it calls for
24 a legal conclusion.

25 You can give your understanding, if you

1 have one.

2 THE WITNESS: I'm not exactly sure what
3 this document -- what this figure is showing. It
4 could be.

5 BY MR. ZELLER:

6 Q. And you're not sure one way or another
7 whether what's shown here in the design shows a
8 clear, flat, continuous surface on the front?

9 MR. MONACH: Objection, to the extent it
10 calls for a legal conclusion.

11 THE WITNESS: I didn't create these
12 drawings, so I don't know if that's what that is
13 supposed to represent.

14 BY MR. ZELLER:

15 Q. And even apart from the fact that you
16 didn't create the drawings, you still don't know;
17 is that true?

18 MR. MONACH: Same objection. Object, to
19 the extent it calls for a legal conclusion; asked
20 and answered.

21 THE WITNESS: It isn't completely clear
22 to me that that's what that is representing.

23 BY MR. ZELLER:

24 Q. Directing your attention to Figure 9.

25 You'll see in Figure 9 that the top of