

EXHIBIT 8

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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14
15 CONFIDENTIAL
16 ATTORNEYS' EYES ONLY

17
18 VIDEOTAPED DEPOSITION OF RICHARD HOWARTH
San Francisco, California
19 Monday, July 16, 2012

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21
22 Reported by:

LORRIE L. MARCHANT, CSR No. 10523

23 RPR, CRR, CCRR, CLR

24 JOB NO. 51740

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July 16, 2012

2:15 P.M.

Videotaped Deposition of RICHARD HOWARTH,
held at the offices of Quinn Emanuel
Urquhart & Sullivan, LLP, 50 California
Street, 21st Floor, San Francisco,
California, before Lorrie L. Marchant, a
Certified Shorthand Reporter, Registered
Professional Reporter, Certified Realtime
Reporter, California Certified Realtime
Reporter and Certified LiveNote Reporter.

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

FOR THE PLAINTIFF APPLE INC.:

MORRISON & FOERSTER

BY: JENNIFER LEE TAYLOR, ESQ.

425 Market Street

San Francisco, California 94105

FOR THE DEFENDANTS SAMSUNG:

QUINN EMANUEL URQUHART & SULLIVAN

BY: MICHAEL T. ZELLER, ESQ.

865 S. Figueroa Street

Los Angeles, California 90017

ALSO PRESENT:

Erica Tierney, Apple IP Litigation Counsel

Zach Wojcik, Videographer

---oOo---

1 handheld -- it looks similar -- it could be -- it 03:02

2 could be iPhone-ish. 03:02

3 Q. Do you recognize the design that's shown 03:02

4 here in the '677 design patent as a design that 03:02

5 Apple has ever actually manufactured? 03:02

6 A. I'm not a patent -- patent-reading expert, 03:02

7 so I -- I couldn't tell you whether this is 03:02

8 something that we've manufactured. 03:02

9 Q. And, again, I'm only asking you as a person 03:02

10 who is a named inventor on this. 03:02

11 A. Right. 03:02

12 Q. So as someone that's a named inventor on 03:02

13 this '677 design patent, are you able to identify 03:02

14 any product that Apple has ever manufactured that 03:03

15 looks like this design here? 03:03

16 MS. TAYLOR: Calls for a legal conclusion. 03:03

17 THE WITNESS: I'm -- again, I'm not very 03:03

18 good at reading exactly -- reading into what these 03:03

19 drawings really represent, so I couldn't tell you 03:03

20 absolutely. But it looks like it's trying to 03:03

21 represent the iPhone perhaps. I'm not sure. I'm 03:03

22 not sure. 03:03

23 BY MR. ZELLER: 03:03

24 Q. Is it -- when you say "the iPhone," are you 03:03

25 referring to the first iPhone or -- or other 03:03

1 iPhones? 03:03

2 A. I can't be sure exactly from looking at 03:03

3 these drawings. 03:03

4 Q. Does the -- what's depicted here in the 03:03

5 '677 design patent look more like a particular 03:03

6 iPhone design to you as opposed to other iPhone 03:03

7 designs? 03:03

8 MS. TAYLOR: Calls for a legal conclusion. 03:04

9 It's also vague. 03:04

10 THE WITNESS: I'm not exactly sure. 03:04

11 BY MR. ZELLER: 03:04

12 Q. Do you have any idea? 03:04

13 A. In my opinion, it -- it looks -- some 03:04

14 aspects of it look like they're closer to the first 03:04

15 iPhone. But I can't be sure what these -- what 03:04

16 they -- what they mean. 03:04

17 Q. And if I understand your answers correctly, 03:04

18 and tell me if I'm wrong, but when you look at the 03:04

19 drawings here on the '677 design patent, you're not 03:04

20 certain one way or another whether this is a design 03:04

21 that Apple has ever actually manufactured; is that 03:04

22 correct? 03:04

23 MS. TAYLOR: Objection. Asked and 03:04

24 answered. Mischaracterizes the testimony. 03:04

25 THE WITNESS: I'm -- I'm not sure what -- 03:04

1 what these drawings in this patent design thingy, 03:04
2 whatever it is, is -- is representing. I find it 03:04
3 difficult to read them. 03:05

4 BY MR. ZELLER: 03:05

5 Q. Focusing -- just set this aside for a 03:05
6 moment, then, the '677 design patent. 03:05

7 But just focusing on the first iPhone as it 03:05
8 was manufactured, there was a -- on the front 03:05
9 surface of that phone, there was an area that 03:05
10 sometimes people called "the mask." 03:05

11 Do you know what I'm referring to? 03:05

12 A. Okay. 03:05

13 Q. Does that sound familiar to you, the term 03:05
14 "mask"? 03:05

15 A. Yes. 03:05

16 Q. And -- and focusing on that first iPhone, 03:05
17 what color would you consider the masked area to be, 03:05
18 as it appears to the person using the phone? 03:05

19 A. As it appears to the person using the 03:05
20 phone. I'm not sure what -- to me personally, sort 03:06
21 of dark -- dark color. 03:06

22 Q. Is that something you would consider to be 03:06
23 a black color? 03:06

24 A. I'm not a color expert. I don't know. But 03:06
25 I would say it was a dark -- yeah, a dark 03:06

1 gray/black. It changes, doesn't it, in different 03:06

2 lights. 03:06

3 Q. And was the -- on the first iPhone, was 03:06

4 the -- that mask area the exact same color as the 03:06

5 display screen component, the active area, when it 03:06

6 was turned off, or was it a contrasting color in 03:06

7 some way? 03:06

8 MS. TAYLOR: Objection. It's vague. 03:06

9 THE WITNESS: Yeah. I'm not sure how to 03:06

10 describe that color, really, or -- yeah. 03:06

11 BY MR. ZELLER: 03:07

12 Q. Was it the same color as the mask? 03:07

13 A. Was what the same color as the mask? 03:07

14 Q. On the first iPhone, was the active area, 03:07

15 the display area, when it was turned off, the exact 03:07

16 same color as the -- the mask? 03:07

17 A. I'm not a color expert, so I guess you'd 03:07

18 have to measure it. 03:07

19 Q. Did you consider them to be different or 03:07

20 contrasting colors? 03:07

21 A. Personally, if you get it in a certain 03:07

22 lights, you can -- you can clearly see there's -- 03:07

23 you can see that there's a difference in color. 03:07

24 Q. And -- 03:07

25 A. But to me personally. 03:07