

EXHIBIT G

Exhibit A

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE INC., a California
corporation,

Plaintiff,

vs. Case No. 11-cv-01846-LHK

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

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

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

Defendants.

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CONFIDENTIAL
ATTORNEYS' EYES ONLY

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

Reported by:

LORRIE L. MARCHANT, CSR No. 10523

RPR, CRR, CCRR, CLR

JOB NO. 51740

Page 58			Page 59		
1	designing the -- when the team was designing the	03:50	1	this Sony style.	03:52
2	iPhone, we -- we wondered, as you might, just	03:50	2	A. Well, I remember that we were heading	03:52
3	what -- what might the competition would do. There	03:51	3	down -- we -- we were working on, you know,	03:52
4	was no competition for us at the time.	03:51	4	different directions. And Shin and I walked over to	03:52
5	But it was -- we wondered, well, yeah,	03:51	5	the table when -- when he was just starting to think	03:52
6	what -- what -- what might Sony, you know, for	03:51	6	about it, and -- the project design table, and we	03:52
7	instance do if they were -- if they had our	03:51	7	were having a chat about it.	03:52
8	technology and -- and would create that product.	03:51	8	And we picked up a model off the table	03:52
9	So I think Jony asked him to -- to have a	03:51	9	that -- that we liked, that we had done previously.	03:52
10	look and see, since he was Japanese, what he might	03:51	10	And -- and so Shin was going to base the design --	03:53
11	do.	03:51	11	his, you know, exploration on this model and add a	03:53
12	Q. Is there anything else that you can	03:51	12	few Sony-esque sort of details to it. Because	03:53
13	remember about the -- about the project that	03:51	13	that's -- yeah, that's what we -- that's what we	03:53
14	Mr. Nishibori was asked to do on the Sony style?	03:51	14	wanted to do.	03:53
15	A. I'm not sure it was a project. But, you	03:51	15	Q. Anything else you can remember?	03:53
16	know, just a little aside, really.	03:51	16	A. Not -- not a lot, really. No.	03:53
17	Q. I -- regardless of whether it's a project	03:51	17	Q. Let me show you what was previously marked	03:53
18	or exercise, whatever the case may be, do you	03:51	18	as Exhibit 1172. And for the record, we're -- we	03:53
19	remember anything else about it?	03:51	19	marked this as TX623.	03:53
20	A. I remember -- not in huge, massive detail.	03:52	20	A. Okay.	03:54
21	Q. But, generally speaking -- and by the way,	03:52	21	Q. Do you recognize what's shown here in 1172	03:54
22	I'm going to show you a couple of documents here in	03:52	22	as the Sony-style design that Mr. Nishibori was	03:54
23	a minute that may jog your memory. But I'm just	03:52	23	working on that you were discussing?	03:54
24	trying to find out if there's anything so far that	03:52	24	A. It looks -- it looks pretty similar to it,	03:54
25	you recall generally about what Mr. Nishibori did on	03:52	25	m-hm.	03:54
Page 60			Page 61		
1	Q. And the model that you referred to, did it	03:54	1	A. The connector on the bottom perhaps looks a	03:56
2	look like this design that's shown in the -- the CAD	03:54	2	little bit like a Sony-ish connector.	03:56
3	drawings here, Exhibit 1172?	03:55	3	Q. On the back side, where the camera lens is	03:56
4	A. Which model?	03:55	4	depicted, was that something that Mr. Nishibori	03:56
5	Q. The one that you're referring to where you	03:55	5	added to it?	03:56
6	and Mr. Nishibori were -- were walking and had	03:55	6	A. I don't think so. I think we had -- we had	03:56
7	picked up a model.	03:55	7	a camera in the corner already.	03:56
8	A. It was similar to this. It looks like --	03:55	8	Q. And then that preexisting model that you're	03:57
9	pretty similar to this if you took the Sony details,	03:55	9	referring to, did it have exactly the same shape as	03:57
10	Sony-ish details off that he added.	03:55	10	what's shown here in the CAD drawings?	03:57
11	Q. And so when you're referring to "the	03:55	11	MS. TAYLOR: Objection. Vague.	03:57
12	details," please identify for me what are the	03:55	12	THE WITNESS: I'm not sure if it had	03:57
13	portions of what's shown here in Exhibit 1172 that	03:55	13	exactly the same shape as that in the CAD drawings.	03:57
14	Mr. Nishibori came up with as opposed to what was	03:55	14	Similar.	03:57
15	that preexisting design that you're referring to.	03:55	15	BY MR. ZELLER:	03:57
16	A. It looks -- it was a long time ago, but I	03:55	16	Q. Do you recall if there were differences?	03:57
17	think it was the receiver detail right there looks a	03:55	17	A. I can't recall exactly right now.	03:57
18	little like -- that was different than what we --	03:55	18	Q. And did the -- the preexisting model that	03:57
19	the model that was on the table.	03:56	19	you're referring to, did that have a name?	03:57
20	The Sony -- the buttons here on the bottom	03:56	20	A. I don't know if it had a name. It	03:57
21	look like they were sort of added. And the Sony	03:56	21	looked -- it looked like that (indicating).	03:57
22	logo and this -- what looks like it's sort of the	03:56	22	Q. And for the record, you're referring to	03:57
23	green button on the side, the jog dial, kind of --	03:56	23	the -- the model that's on the left, on page ending	03:57
24	that's quite a Sony -- classic Sony detail, really.	03:56	24	121 of TX562?	03:57
25	Q. Anything else?	03:56	25	A. Right. Yeah. This device (indicating).	03:57

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1	Q. All right. We're going to come back to	03:58	1	A. They seem pretty similar to me.	03:59
2	that in a moment. I just wanted to make sure we had	03:58	2	Q. And when you say "pretty similar," what's	03:59
3	a clear record on what you were pointing to.	03:58	3	shown there in 1172, in that respect does the band	03:59
4	A. Okay.	03:58	4	look similar to the model that's shown here in 562?	03:59
5	Q. In terms of the -- just that -- that shape,	03:58	5	A. Roughly.	03:59
6	the rectangular shape with the rounded corners,	03:58	6	Q. And do you recall whether Mr. Nishibori	03:59
7	exactly as it's shown here in the CAD drawings of	03:58	7	made any changes to that -- that band apart from the	03:59
8	Exhibit 1172, are you able to say one way or another	03:58	8	jog wheel that you mentioned?	03:59
9	whether Mr. Nishibori changed those at all?	03:58	9	A. I can't be sure exactly.	03:59
10	MS. TAYLOR: Asked and answered.	03:58	10	Q. And focusing, then, on that preexisting	03:59
11	THE WITNESS: I'm not sure whether he	03:58	11	model that you saw, who created that design?	03:59
12	changed them.	03:58	12	A. This one (indicating)?	03:59
13	BY MR. ZELLER:	03:58	13	Q. Well, I -- let me rephrase the question,	04:00
14	Q. And then you'll see that there's that -- in	03:58	14	then, for a moment.	04:00
15	the side views there's the metal band kind of design	03:58	15	Because in your e-mail -- and this is on	04:00
16	shown here on the first page of 1172.	03:58	16	the first page of TX562 -- you refer to "what Shin	04:00
17	You see what I'm referring to?	03:58	17	is doing with the Sony-style chappy" --	04:00
18	A. I don't know what material it is, but I see	03:58	18	A. Sorry.	04:00
19	there's a band there.	03:58	19	Q. And then you go to say, Also note that it's	04:00
20	Q. And was that band portion that's depicted	03:58	20	only half a step away from where we were with the	04:00
21	here in the CAD drawings also part of that model	03:58	21	metal band, black inside, before we changed to the	04:00
22	that -- that you saw that was preexisting?	03:58	22	three equal striped sandwich, which I show below.	04:00
23	A. Yeah.	03:59	23	Do you see that language?	04:00
24	Q. What were the sides? More like what's	03:59	24	A. I see that.	04:00
25	shown here in TX562?	03:59	25	Q. And so what are you referring to there when	04:00
Page 64		Page 65			
1	you say "it's only half a step away from"?	04:00	1	Do you see that?	04:02
2	A. I'm not sure. I think I'm saying that	04:00	2	A. Yeah. I can see that.	04:02
3	Shin's -- the thing that Shin was working on is	04:00	3	Q. And so what are you referring to here when	04:02
4	similar to the -- to what we were working on	04:01	4	you say "the Sony-style chappy"?	04:02
5	previously.	04:01	5	A. I can't be sure exactly, but I think	04:02
6	Q. So then focusing on the model that's there	04:01	6	it's -- I think it was something that Shin was	04:02
7	on the left, shown on page 121, which is the black	04:01	7	working on, which was -- you know, this is something	04:02
8	one, was there -- was there a name that you used for	04:01	8	that Shin had a go at.	04:02
9	this model?	04:01	9	Q. And then focus on that model, then, that's	04:02
10	A. I can't remember.	04:01	10	on the left-hand side, on page 121 of TX562 --	04:02
11	Q. Was this more in that style of the -- the	04:01	11	A. Okay.	04:02
12	Sony-style chappy that's being referred to here?	04:01	12	Q. -- is this a model that was created after	04:02
13	MS. TAYLOR: Objection. Vague.	04:01	13	Mr. Nishibori was working on this design that's	04:02
14	THE WITNESS: Yeah. I'm not sure what you	04:01	14	shown in 1172?	04:02
15	mean by "in the style of."	04:01	15	A. No. I don't believe so. I think this was	04:02
16	BY MR. ZELLER:	04:01	16	created before.	04:02
17	Q. Well, here's what I'm trying to understand,	04:01	17	Q. In looking at the model that's depicted	04:03
18	and maybe I -- I need to rephrase it.	04:01	18	here on the left-hand side on page ending 121, did	04:03
19	You just say here in the first sentence of	04:01	19	Mr. Nishibori contribute anything to the design	04:03
20	your e-mail, I'm worried about the extrudo shape	04:01	20	that's shown there?	04:03
21	we're using for P2, et cetera. Looking at what Shin	04:02	21	A. Shin is part of the design team, so he	04:03
22	is doing with the Sony-style chappy, he's able to	04:02	22	could well have contributed. You know, as we do,	04:03
23	achieve a much smaller looking product with a much	04:02	23	you know, it's a conversation that's constantly	04:03
24	nicer shape to have next to your ear and in your	04:02	24	happening between us all.	04:03
25	pocket.	04:02	25	Q. Do you have any information about the	04:03

CERTIFICATE

STATE OF CALIFORNIA)
: ss
COUNTY OF SONOMA)

I, Lorrie L. Marchant, a Certified Shorthand Reporter, a Registered Professional Reporter, a Certified Realtime Reporter, and a Certified Realtime Professional within and for the State of California, do hereby certify:

That RICHARD HOWARTH, the witness whose deposition is herein set forth, was duly sworn/affirmed by me and that such deposition is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

In witness whereof, I have hereunto set my hand this 16th day of July, 2012.

LORRIE L. MARCHANT, CSR, RPR, CRR, CLR, CCRR
CSR No. 10523

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Exhibit TX579 e-mail and attachments to Jonathan Ive from Richard Howarth, dated 3/8/2006, subject: on: the sony vs apple competition (Production Nos. APLNDC0003040119 - APLNDC0003040124) 4

Exhibit TX562 e-mail to David Tupman, cc'ed to various other recipients, from Andrew Bright, dated 6/4/2010, subject: reciever up high in Y (Production Nos. APLNDC0002326562 - APLNDC0002326563) 52

PREVIOUSLY-MARKED EXHIBITS

Exhibit 6 United States Design Patent, Andre, et al., Patent No. D593,087 S

Exhibit 7 United States Design Patent, Andre, et al., Patent No. D618,677 S

Exhibit 1172 Images of Sony phone (Production Nos. APLNDC-NC000000274 - APLNDC-NC0000000281)

NAME OF CASE: Apple v. Samsung (U.S. District)
DATE OF DEPOSITION: 7/16/2012
NAME OF WITNESS: Richard Howarth

Reason Codes:

- 1. To clarify the record.
2. To conform to the facts.
3. To correct transcription errors.

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