

# Exhibit 5

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION  
4  
5  
6

7 APPLE INC., A CALIFORNIA :  
CORPORATION, :  
8 PLAINTIFF, :

9 VS.

:  
: CASE NO.  
: 11-CV-01846-LHK

10 SAMSUNG ELECTRONICS, CO., :  
LTD., A KOREAN BUSINESS :  
11 ENTITY; SAMSUNG ELECTRONICS :  
AMERICA, INC., A NEW YORK :  
12 CORPORATION; SAMSUNG :  
TELECOMMUNICATIONS AMERICA, :  
13 LLC, A DELAWARE LIMITED :  
LIABILITY COMPANY, :

14 DEFENDANTS  
15  
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17  
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20 VIDEOTAPED DEPOSITION OF ANDRIES VAN  
DAM, an Expert Witness in the above-entitled  
21 cause, taken on behalf of the Plaintiff,  
before Barbara Warner, RPR, Notary Public in  
22 and for the State of Rhode Island, at the  
offices of Allied Court Reporters, 115-21 Phenix  
23 Avenue, Cranston, RI, on May 2, 2012  
at 9:00 A.M.

24  
25 TSG Job # 49185

1 (DEPOSITION COMMENCED AT 9:16 A.M.)

2 ANDRIES VAN DAM

3 THE VIDEOGRAPHER: We are on the 09:15  
4 record. This is the beginning of disk number 09:15  
5 1 of the deposition of Andries van Dam in the 09:16  
6 matter of Apple, Inc., versus Samsung 09:16  
7 Electronics Company, Limited, United States 09:16  
8 District Court for the Northern District of 09:16  
9 California, C.A. Number 11-CV-01846-LHK. 09:16  
10 This deposition is being held in Cranston, 09:16  
11 Rhode Island on May 2, 2012. The time is 09:16  
12 9:16 on the video. My name is William White, 09:16  
13 I am the videographer. The court reporter is 09:16  
14 Barbara Warner, in association with TSG 09:16  
15 Reporting. Would the attorneys please 09:16  
16 identify themselves for the record. 09:16

17 MR. KREEGER: Matthew Kreeger from 09:16  
18 Morrison & Foerster for Apple. 09:16

19 MR. TUNG: Mark Tung from Quinn 09:16  
20 Emanuel for Samsung, and with me is Ailen 09:16  
21 Kim. 09:16

22 ANDRIES VAN DAM 09:16

23 Being duly sworn, deposes and 09:16  
24 testifies as follows: 09:16

25 THE REPORTER: Would you state 09:16

1 electronic document, you considered it 10:57  
2 legitimate to chose any arbitrary collection 10:57  
3 of tiles in the world view; is that right? 10:57  
4 MR. TUNG: Objection. Beyond the 10:57  
5 scope. Mischaracterizes testimony. 10:57  
6 A. If you're asking me, can you have an 10:57  
7 electronic document that has one or more 10:57  
8 tiles without adding implicitly, and does 10:57  
9 that collection as a single electronic 10:57  
10 document follow the '381 patent, without 10:58  
11 adding that, I would say yes, you are free to 10:58  
12 chose any number of tiles, as long as you 10:58  
13 know which ones you're talking about. They 10:58  
14 have to be identifiable. 10:58  
15 Q. Is a single tile on the world view an 10:58  
16 electronic document? 10:58  
17 A. It could be so construed. Again, without 10:58  
18 any implication that therefore it should obey 10:58  
19 the '381 limitations. 10:58  
20 Q. Is a Microsoft Word document an electronic 10:58  
21 document? 10:58  
22 A. Again, without asking implicitly, that 10:58  
23 could be read on the '381 elements. It is 10:58  
24 certainly an electronic document. 10:59  
25 Q. What about a paragraph within a Microsoft 10:59

1 document, is that an electronic document? 10:59

2 A. It could be, and it could not be. It 10:59

3 depends on how fine-grained you want to be in 10:59

4 your definition. My definition of electronic 10:59

5 document allows hierarchy, but I would say it 10:59

6 depends upon what kind of paragraph we are 10:59

7 talking about. If you are talking about a 10:59

8 numbered identified paragraph as in an expert 10:59

9 report, I would say it might be useful to 10:59

10 think of that as an electronic document. If 10:59

11 you are talking about I have a typesetting 10:59

12 program and it produces paragraphs, then 10:59

13 those paragraphs don't really have a separate 10:59

14 identity, and I would find it not very useful 10:59

15 to consider them an electronic document, but 10:59

16 there is no hard-and-fast rule. 11:00

17 Q. For purposes of the '381 patent, as it uses 11:00

18 the term electronic document, would you 11:00

19 consider a paragraph within a Microsoft Word 11:00

20 document to be a separate electronic 11:00

21 document? 11:00

22 A. I have never even thought about whether I 11:00

23 should try to perform the '381 analysis to a 11:00

24 paragraph. If I'm looking at an interior 11:00

25 paragraph in a Microsoft Word document, I 11:00

## C E R T I F I C A T E

1 I, Barbara Warner, a Notary Public in  
2 and for the State of Rhode Island, duly  
3 commissioned and qualified to administer  
4 oaths, do hereby certify that the foregoing  
5 Deposition of Andries van Dam, a Witness in  
6 the above-entitled cause, was taken before me  
7 on behalf of the Plaintiff, at the offices of  
8 Allied Court Reporters, 115 Phenix Avenue,  
9 Cranston, Rhode Island on May 2, 2012 at 9:00  
10 A.M.; that previous to examination of said  
11 witness, who was of lawful age, he was first  
12 sworn by me and duly cautioned to testify to  
13 the truth, the whole truth, and nothing but  
14 the truth, and that he thereupon testified in  
15 the foregoing manner as set out in the  
16 aforesaid transcript.

17 I further testify that the foregoing  
18 Deposition was taken down by me in machine  
19 shorthand and was later transcribed by  
20 computer, and that the foregoing Deposition  
21 is a true and accurate record of the  
22 testimony of said witness.

23 Pursuant to Rules 5(b) and 30(f) of the  
24 Federal Rules of Civil Procedure, original  
25 transcripts shall not be filed in Court;  
therefore, the original is delivered to and  
retained by Plaintiff's attorney, Matthew  
Kreeger, Esquire.

Correction and signature pages were sent  
to Defendant's Counsel, Mark Tung, Esquire.

IN WITNESS WHEREOF, I have hereunto set  
my hand and seal this 2nd day of May, 2012.

\_\_\_\_\_  
BARBARA WARNER, NOTARY PUBLIC/CERTIFIED  
COURT REPORTER

\*My commission expires October 15, 2014