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MailOnline

'I expected to be dismissed': Even jury foreman on Apple case against Samsung admits he thought his own patents would make him ineligible

By [Daniel Bates](#)

PUBLISHED: 22:38 EST, 29 August 2012 | **UPDATED:** 06:42 EST, 30 August 2012

The controversial jury foreman in the Apple vs Samsung patent trial has admitted that even he thought he would be dismissed from the case.

Velvin Hogan said that because he had a tech patent in his name he thought it would rule him out during jury selection.

He also revealed that he had a second similar patent but said both were 'unrelated' to the issues at hand and that he had a 'clear conscience' over the decision to award \$1bn damages to Apple.



It has been revealed that the jury foreman in the Apple v Samsung trial, Velvin Hogan, 67, has patents related to use within smartphones and tablets

Opening up about inner workings of the case, Mr Hogan disclosed that a female juror quit the day before it began because she could not handle the pressure.

The jury got through the four-week trial with endless cans of Red Bull, coffee and lots of joking around during the complex deliberations.

They also took their task so seriously that they would even leave the room when the TV news came on or switch off the radio if it came up.

Mr Hogan, 67, emerged as the most contentious of the nine-strong jury when his 35-year background in the computer hard disk drive business was made public.

He has personally filed two patents relating to a portable device which allowed users to store video with a removable part which could be used to play the films on a TV or computer.

Critics said even knowing so much about patents meant his views carried too much weight.

Questions have also been raised over his motives if Samsung had rejected his attempts to sell them the technology.

In an interview with MailOnline however Mr Hogan dismissed such suggestions and claimed that he stood '100 per cent' behind his decision.

He said: 'I expected to be dismissed from the jury because of my experience. More than one time during the questions from the lawyers for both sides they focused on me, but I am very grateful to have been part of this case'.





The validity of the verdict in the Apple (left) v Samsung (right) legal duel has been called into question as the jury foreman Velvin Hogan has been revealed to hold a patent for a wireless keyboard which can be used on tablet or smartphone

'I know I have been accused of working for one side or the other, which is preposterous, but I have not been given a dime for anything I have done or anybody I have given an interview to'.

'I have not shopped my patents around and I have not approached Apple or Samsung. They are unrelated to what the case was about'.

The nine strong jury had originally been 10 with an extra woman but she quit less than 24 hours before the hearing began.

Mr Hogan said: 'She told the judge that she was having anxiety attacks and that it was just beyond her. She asked to be allowed to be excused because there was too much pressure and did not come from a tech background and it was all beyond her scope.

'There was a lot of pressure. The first day we went into the jury deliberation room and were able to talk to each other for the first time we looked at each other and said: "This is serious. This is a landmark case and it sets a precedent".'



Legal battle: In this drawing from inside the San Jose court room earlier this month, Apple marketing chief Phil Schiller addresses a judge during the California trial

'For those reason we took it very seriously and agreed to be as meticulous as possible and take as long as we needed'.

Provisionally given four days to deliberate, the jury only took two-and-a-half, but that came at the end of four long weeks of evidence.

Mr Hogan said that maintaining focus was hard, but that the judge kept things in order.

He said: 'There was plenty of Red Bull and coffee. If the judge saw somebody looked like they were nodding off she would ask if we needed caffeine and said there was plenty of it.'

'As jury foreman I also made sure that during deliberation things moved along smoothly. There were a lot of light-hearted moments – I'm the type of person especially when things are extremely serious to throw out a bit of levity'.



Just like the other? Apple won a major victory in court after arguing that Samsung devices like the Galaxy S III, right was copied from the Apple iPhone 4s, left

'With one of the jurors we enjoyed picking on each other which broke the ice and allowed a minute of humour among the seriousness but at the same time keeping focused'.

'We would also joke about things that happened the previous night, like tripping over something because we were so stressed out about the case and weren't looking where we were going'.

Another problem for some jurors was that they were paid only \$40 a day for jury duty, although it did go up to \$50 plus mileage after 10 days.

That was all some earned during their time at the trial, Mr Hogan said, adding that it was an 'issue' for a few people.

Romance did not happen as the only two unmarried people were two male jurors in their 20s, and they both had girlfriends. The rest of the jury were aged between Mr Hogan at 67 and mid 30s.

Mr Hogan said: 'It was not that kind of situation at all. It was similar to a brother and sister or close friend relationship than anything else'.

'In fact we have all agreed to meet up at Christmas time and see how everybody is getting on. I still have everyone's email addresses and phone numbers'.

Mr Hogan said he and other jury members went to extreme measures to ensure they did not read about the case whilst it was going on.

He said: 'If I was watching TV and the news came on, my wife would mute it and I would leave the room. Other people did the same, they turned off their radios or car stereos if something about the case came on. It sounds bizarre but we took an oath'.

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Good Morning edzzup California, I would agree that the 20 minute voir dire should have set justice on the correct path, all be it too short a time (rushed was the whole case), but I do have a concern over that process and the exact answer this juror made to the judge on the question she made regarding whether anyone in the jury pool had ever had an idea stolen from them or been accused of stealing someone else's idea. This jurors patent appears to have taken such a long time and been bounced with the patent office that it is hard to believe his answer would have been anything other than yes as prior art claims effectively did accuse him of stealing anothers ideas. Disregarding that point, in itself, I recall what I think was this patent discussed several years ago as an example of a 'troll' patent when software patents where being proposed in Europe. It is worthy for justice to explore this juror and his patent and just how he should have answered questions during selection.

- Steve hemingway, Bournemouth, UK, 30/8/2012 19:52

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Anybody that would mistakenly buy a Samsung smartphone thinking it was an Apple iPhone doesn't have enough intelligence to even use a smartphone. Conducting a trial like this 10 miles from Apple headquarters using local jurors is a joke. The biggest surprise is that Samsung didn't move for a less biased location from the get go.

- Nick, Basingstoke, 30/8/2012 19:19

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For those of you who think Apple won a deserved victory, just check out the 2006 LG Prada phone against the 2010 Apple iPhone 4. This shows prior art DID exist and this is what this guy ignored (or is that " skipped because it bogged us down ") because it didn't fit in with the fact they had already decided Samsung had copied Apple's design patents. In patent law, if very obvious prior art exists, and you can't get anymore obvious than this, the patent becomes invalid and no valid patent, no infringement. But it is much more than this. Apples have very obviously copied the LG phone so they should never have been granted the patent in the US in the first place. I am neither for one of the other, however, I am involved in patent law and this is a very clear case of prior art that puts Apples design and trade dress patent into question and if it were investigated properly it would be declared as invalid as would its unprotected trade dress patents. So the verdict has to be overturned.

- Peter H, Dorset UK, 30/8/2012 18:28

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The Apple-success haters are in a major snit over this. So resentful of achievement and the stout defense of what's theirs. Samsung could've dismissed this juror after voir dire and retained comparative illiterates, like attorneys seem to prefer. Reviling this juror just makes you look stupid.

- edzzup, ramona, ca, usa, 30/8/2012 16:46

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Someone needs to make a meme about this guy. To ensure he's remembered with appropriate mockery. The picture is perfect for one, too.

- John, Leeds, 30/8/2012 14:14

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this muppet needs to talk to my crossbow

- Frank priest, Ashington, 30/8/2012 13:06

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Either side could have dismissed him prior to trial; both knew his background.

- ...seriously?!?, Land of I Hope things Change soon..., 30/8/2012 13:00

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Apple will die a long and slow death, just like Kodak did in the field of Photographic equipments. The difference will be, we all still feel bad for Kodak....But for Apple, we wouldn't care a damn....

- Suraj, Dubai, UAE, 30/8/2012 12:39

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This was a biggest mis trial of all time as this juror rail-roaded the rest of the jurors as he was an 'expert' in patent law after struggling six years to get his TiVo 'copy' patent through the US Patent Office. Ignore the judges instructions, do it my way, skip the questions if you disagree with me even though they needed to be answered in the order of the instructions, compare phones in darkened rooms as a DIY test and invalidate prior art based upon this jurors experience of fighting prior art on his 'patents' and not the evidence. Be real Apple use Samsung manufactured and designed processors. The real risk now is Samsung will pull the plug on supplying processors to iphones or alternatively enable a switch off of Samsungs patents for the iphone within those processors. That's one way to increase the differences between the phones. The jury should have done a proper job. Lets hope the judge throws a mis-trial sooner rather than later.

- Steve hemingway, Bournemouth, UK, 30/8/2012 11:30

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If you turn off the light and squint your eyes, they look exactly the same.

- keith, HK, 30/8/2012 11:01

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