

EXHIBIT 1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE INC., A CALIFORNIA CORPORATION,)	C-11-01846 LHK
)	
)	SAN JOSE, CALIFORNIA
PLAINTIFF,)	
)	AUGUST 10, 2012
VS.)	
)	VOLUME 6
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,)	PAGES 1638-1988
)	
)	
)	
)	
)	
)	
DEFENDANTS.)	

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE LUCY H. KOH
UNITED STATES DISTRICT JUDGE

APPEARANCES ON NEXT PAGE

OFFICIAL COURT REPORTER: LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

1 BY MR. JACOBS:

2 Q SO WE'RE LOOKING AT 27.31, SIR, AND IS IT ON
3 THE JURY'S SCREEN.

4 NO, NOT ON THE PUBLIC SCREEN.

5 THE COURT: TAKE THAT DOWN, PLEASE.

6 MR. JACOBS: IS IT ON THE JURORS'
7 SCREENS? NO.

8 THANK YOU MR. LEE.

9 Q SO DR. BALAKRISHNAN, CAN YOU SHOW US WHAT WE
10 ARE SEEING ON THIS, IN THIS SOURCE CODE?

11 A SURE.

12 Q CAN YOU TELL US WHAT WE'RE SEEING ON THE
13 SOURCE CODE?

14 A ON THE LEFT-HAND SIDE IS THE SOURCE CODE FOR
15 THE GALLERY APPLICATION THAT WE'VE BEEN TALKING
16 ABOUT. SO THIS IS A VERY SMALL SNIPPET OF THE
17 OVERALL CODE THAT RUNS. WHAT I'VE DONE IS
18 ILLUSTRATE JUST A PORTION THAT SETS UP THE
19 PARAMETERS FOR DETERMINING WHAT HAPPENS AT THE EDGE
20 OF THE DOCUMENT.

21 SO IT LOOKS AT THE LEFT EXTENT OR THE
22 RIGHT EXTENT OR THE TOP OR BOTTOM. THOSE ARE FOUR
23 EDGES OF THE DOCUMENT. IF IT EXCEEDS THE THRESHOLD
24 OF THAT EDGE, IT MOVES THE DOCUMENT BY THE
25 APPROPRIATE AMOUNT SO YOU CAN SEE IT.

1 ON THE RIGHT-HAND SIDE IS THE SAME
2 FUNCTIONALITY, BUT WRITTEN IN A SLIGHTLY DIFFERENT
3 WAY FOR THE BROWSER APPLICATION, AND IN THIS CASE
4 IT'S COMPUTING THE AMOUNT OF BOUNCE THAT NEEDS TO
5 HAPPEN WHEN THE FINGER IS RELEASED AND IT DOES SOME
6 CALCULATIONS WITH THAT.

7 SO I WANT TO EMPHASIZE, THIS IS JUST THE
8 RELEVANT SNIPPET OF THE OVERALL CODE. THERE'S MUCH
9 MORE CODE THAT MAKES THIS ALL REALLY WORK IN
10 TOTALITY.

11 Q SO BASED ON YOUR REVIEW OF THE CODE AND OF THE
12 DEVICE, WHAT IS YOUR CONCLUSION AS TO WHETHER THE
13 SAMSUNG GALLERY S II, AT&T, INFRINGES CLAIM 19 OF
14 THE '381 PATENT?

15 A BASED ON MY REVIEW OF THE DEVICES AND THE
16 CODE, IT IS MY OPINION THAT THE SAMSUNG
17 GALAXY S II, AT&T, INFRINGES CLAIM 19 OF THE '381
18 PATENT IN ALL THREE APPLICATIONS.

19 Q YOU ANALYZED OTHER SAMSUNG PHONES?

20 A YES, I DID.

21 Q AND DOES YOUR OPINION EXTEND TO OTHERS OF THE
22 PHONES THAT YOU EXAMINED?

23 A YES, 20 OTHER PHONES ALSO INFRINGE THE '381
24 PATENT.

25 Q CAN WE SHOW THAT TO THE JURY ?

1 A SURE.

2 Q OKAY. SO LET'S LOOK AT 27.32. I'M SORRY,
3 .33?

4 A WHAT I HAVE HERE IS THE FOUR OTHER PHONES,
5 GALAXY S I9000, GALAXY S II I9100, S 4G, AND THE
6 VIBRANT, ALL SHOWING THE SAME FUNCTIONALITY THAT I
7 WENT THROUGH IN DETAIL EARLIER WITH THE
8 GALAXY S II, AND YOU CAN SEE THAT ALL OF THEM DO
9 THE SAME KIND OF BOUNCING.

10 Q AND NOW LET'S LOOK AT PDX 27.34?

11 A THESE ARE FOUR MORE PHONES, THE ACE,
12 CAPTIVATE, CONTINUUM, AND THE DROID CHARGE.

13 AGAIN, EACH OF THEM DO THE SAME
14 FUNCTIONALITY AS I ILLUSTRATED BEFORE IN THE
15 GALLERY APPLICATION.

16 Q LET'S JUST SEE THAT ONE MORE TIME SINCE WE
17 SHOWED ALL FOUR TOGETHER.

18 A YOU DRAG TO THE RIGHT, REACH THE EDGE, YOU LET
19 GO, IT BOUNCES BACK.

20 Q AND 27.35.

21 A THESE ARE FOUR MORE DEVICES, EXHIBIT 4G, THE
22 EPIC 4G, THE FASCINATE, AND THE INDULGE,
23 ESSENTIALLY DOING WHAT YOU'VE ALREADY SEEN.

24 Q AND LET'S PLAY THAT ONE MORE TIME.

25 A AGAIN, DRAG TO THE RIGHT, YOU REACH THE EDGE,

1 AN AREA BEYOND THE EDGE IS SEEN, AND IT BOUNCES
2 BACK WHEN YOU LET GO.

3 Q AND 27.36.

4 A THIS IS ANOTHER FIVE PHONES, THE INFUSE, THE
5 MESMERIZE, THE NEXUS S 4G, THE PREVAIL, AND THE
6 REPLENISH.

7 AGAIN, SAME FUNCTIONALITY. YOU DRAG TO
8 THE RIGHT, WHEN YOU LET GO, IT BOUNCES BACK.

9 Q AND THEN 27.37.

10 A AND THESE ARE THE TWO TABLET DEVICES RUNNING
11 THE GALLERY. THEY DO THE EXACT SAME FUNCTIONALITY.
12 YOU REACH THE EDGE, YOU LET GO, IT BOUNCES BACK.

13 Q NOW, DID YOU ALSO SHOW -- LOOK AT SOME OTHER
14 SAMSUNG PRODUCTS IN CONNECTION WITH THE CONTACTS
15 APPLICATION?

16 A YES, I DID. AND I THINK I'VE ILLUSTRATED FOUR
17 MORE OF THEM HERE.

18 Q 27.38?

19 A RIGHT. THIS IS THE FASCINATE, THE GALAXY S
20 4G, THE GEM, AND THE VIBRANT, AND THEY ALL DO THE
21 SAME BOUNCE BACK FUNCTIONALITY IN THE CONTACTS
22 LIST.

23 AND IN THIS CASE YOU DRAG UP AND DOWN,
24 YOU REACH THE EDGE, IT SHOWS AN AREA BEYOND THE
25 EDGE, AND IT BOUNCES BACK.

1 Q DO OTHER SAMSUNG PRODUCTS ALSO INFRINGE IN THE
2 CONTACTS LIST APPLICATION?

3 A YES, THEY DO. I BELIEVE THERE'S A TOTAL OF 16
4 OF THE 21 ACCUSED PRODUCTS THAT INFRINGE IN THE
5 CONTACTS LIST APPLICATION.

6 Q AND DO YOU HAPPEN TO REMEMBER WHAT THE OTHERS
7 ARE?

8 A I DON'T REMEMBER, BUT I HAVE A LIST HERE AND I
9 CAN READ THEM OUT IF YOU WANT ME TO.

10 Q THAT WOULD BE GREAT.

11 A SO THE ONES THAT DO INFRINGE IN THE CONTACTS
12 LIST ARE THE CAPTIVATE, THE CONTINUUM, THE DROID
13 CHARGE, THE EPIC 4G, THE EXHIBIT 4G, THE FASCINATE,
14 THE GALAXY ACE, THE GALAXY S I9000, THE GALAXY S II
15 I9100, THE GALAXY S II, AT&T, WHICH WE'VE ALREADY
16 GONE THROUGH IN DETAIL, THE GALAXY S 4G, THE GEM,
17 THE INDULGE, THE INFUSE 4G, THE MESMERIZE, AND THE
18 VIBRANT.

19 Q HAVE YOU PREPARED ADDITIONAL VIDEOS DEPICTING
20 INFRINGEMENT IN THE BROWSER APPLICATION?

21 A YES, I HAVE.

22 Q LET'S TAKE A LOOK AT THOSE, 27.39.

23 A THESE ARE FOUR SAMSUNG DEVICES, THE ACE,
24 EXHIBIT 4G, GALAXY S II I9100, AND THE GALAXY
25 TAB 10.1, ALL OF WHICH ARE PERFORMING THE '391,

1 CLAIM 19 FUNCTIONALITY IN THE BROWSER APPLICATION.

2 AND IF WE PLAY THAT AGAIN JUST VERY
3 QUICKLY, YOU CAN SEE YOU DRAG THE DOCUMENT, WHEN AN
4 EDGE IS REACHED, AN AREA BEYOND THE EDGE, THE GRAY
5 AREA IS SHOWN. WHEN YOU LET GO, IT BOUNCES BACK.

6 Q HAVE YOU PREPARED A COMPILATION OF THESE
7 VIDEOS FOR THE JURY?

8 A YES, I PREPARED A WHOLE SET OF VIDEOS OVER THE
9 COURSE OF THIS THAT ILLUSTRATE THE DIFFERENT
10 INFRINGEMENT.

11 Q AND ARE THOSE VIDEOS IN PX 64?

12 A YES, THEY ARE.

13 MR. JACOBS: YOUR HONOR, WE OFFER PX 64
14 IN EVIDENCE.

15 THE COURT: ANY OBJECTION?

16 MR. JOHNSON: NO OBJECTION, YOUR HONOR.

17 THE COURT: ALL RIGHT. THEY'RE ADMITTED.

18 (WHEREUPON, PLAINTIFF'S EXHIBIT NUMBER
19 64, HAVING BEEN PREVIOUSLY MARKED FOR
20 IDENTIFICATION, WAS ADMITTED INTO
21 EVIDENCE.)

22 BY MR. JACOBS:

23 Q GOING BACK TO THE GALLERY APPLICATION FOR A
24 MINUTE --

25 YOU CAN TAKE THAT DOWN, MR. LEE, THANK

1 YOU.

2 GOING BACK TO THE GALLERY APPLICATION FOR
3 A MINUTE, HAVE YOU HEARD OF SOMETHING CALLED THE
4 HOLD STILL BEHAVIOR IN SOME SAMSUNG PRODUCTS?

5 A YES, I HAVE.

6 Q AND WHAT IS YOUR UNDERSTANDING OF THAT
7 BEHAVIOR AND HOW DOES IT AFFECT YOUR INFRINGEMENT
8 ANALYSIS?

9 A THIS IS BEHAVIOR THAT SEEMS TO MANIFEST ITSELF
10 IN SOME SAMSUNG PRODUCTS THAT ARE ACCUSED, BUT NOT
11 ALL, IN THE GALLERY APPLICATION. AND I HAVE NOT
12 BEEN ABLE TO RELIABLY DUPLICATE IT, BUT IT DOES
13 OCCUR IN SOME OF THOSE PRODUCTS.

14 AND WHAT HAPPENS THERE IS WHEN YOU DRAG
15 THE IMAGE VERY, VERY SLOWLY, VERY GINGERLY, VERY
16 SLOWLY FROM THE EDGE INTO -- SO THE EDGE OF THE
17 DOCUMENT IS PASSED, AND YOU LET GO, IT SIMPLY
18 FREEZES. IT DOESN'T ACTUALLY DO THE BOUNCE.

19 AND IN THOSE SITUATIONS, THOSE GALLERY
20 APPLICATIONS STILL DO THE BOUNCE FUNCTIONALITY MOST
21 OF THE TIME.

22 SO AS A RESULT, MY OPINION IS THAT THE
23 GALLERY APPLICATION, EVEN ON THOSE DEVICES THAT
24 HAVE THE HOLD STILL BEHAVIOR ONCE IN A WHILE, THEY
25 STILL INFRINGE THE '381 PATENT BECAUSE THE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT
REPORTER OF THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH
FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY
CERTIFY:

THAT THE FOREGOING TRANSCRIPT,
CERTIFICATE INCLUSIVE, CONSTITUTES A TRUE, FULL AND
CORRECT TRANSCRIPT OF MY SHORTHAND NOTES TAKEN AS
SUCH OFFICIAL COURT REPORTER OF THE PROCEEDINGS
HEREINBEFORE ENTITLED AND REDUCED BY COMPUTER-AIDED
TRANSCRIPTION TO THE BEST OF MY ABILITY.

/S/

LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

DATED: AUGUST 11, 2012