

EXHIBIT D

1 UNITED STATES DISTRICT COURT NORTHERN
DISTRICT OF CALIFORNIA SAN JOSE DIVISION

2 -----X
APPLE INC., a California corporation

3
4 PLAINTIFF,

5 -against-

6 SAMSUNG ELECTRONIC CP., LTD., a Korean
business entity; SAMSUNG ELECTRONICS
7 AMERICAN, INC., A New York Corporation;
SAMSUNG TELECOMMUNICATIONS AMERICA, LLC,
8 a Delaware limited liability company,

9 DEFENDANTS.

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11
12 ***CONFIDENTIAL***

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15 VIDEOTAPED DEPOSITION OF RUSSELL WINER
16 New York, New York
17 Friday, April 27, 2012

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23 Reported by:
24 Rebecca Schaumloffel, RPR, CLR
25 JOB NO. 48805

1 confusion, both of which are relevant in 09:31AM
2 different parts of my report. 09:31AM

3 Q. When did you first review these 09:32AM
4 reports? 09:32AM

5 A. I don't remember the exact date 09:32AM
6 but it was some time obviously before 09:32AM
7 March 22nd. 09:32AM

8 Q. How much in advance of 09:32AM
9 March 22nd? 09:32AM

10 A. I don't recall exactly. Maybe a 09:32AM
11 week or two. 09:32AM

12 Q. Did you review them in final form 09:32AM
13 or were they in draft? 09:32AM

14 A. I don't know what the file dates 09:32AM
15 were of their -- their reports. They may 09:32AM
16 well have been a draft. 09:32AM

17 Q. Were they signed when you saw 09:32AM
18 them? 09:32AM

19 A. I don't recall. 09:32AM

20 Q. For either of these reports, did 09:32AM
21 you actually review any of the underlying 09:32AM
22 survey data? 09:32AM

23 A. I read the reports. And I am not 09:32AM
24 exactly sure what you mean by "the underlying 09:32AM
25 survey data." 09:32AM

1 Q. You know what a survey is? 09:32AM

2 A. Of course. 09:32AM

3 Q. You know that there are materials 09:32AM

4 such as questionnaires, survey data that's 09:33AM

5 collected as part of a survey? 09:33AM

6 A. All, as I said earlier, all I 09:33AM

7 read was the report. I did not look at the 09:33AM

8 materials that were generated from their 09:33AM

9 research. 09:33AM

10 Q. Did they interest you at all? 09:33AM

11 A. No. 09:33AM

12 Q. Why not? 09:33AM

13 A. Because I relied on the expert 09:33AM

14 reports themselves and I was not asked to 09:33AM

15 opine on the research methodology that was 09:33AM

16 used in those reports. 09:33AM

17 Q. So is it true that you have no 09:33AM

18 expert opinion and are offering no expert 09:33AM

19 opinion in this case as to the validity of 09:33AM

20 these surveys? 09:33AM

21 MS. HAGBERG: Objection; 09:33AM

22 compound. 09:33AM

23 A. As I said earlier, I was not 09:33AM

24 asked to opine on the research methodology 09:33AM

25 used in the studies. I relied on the results 09:33AM

1 of the studies. 09:33AM

2 Q. I am not asking you to respond to 09:33AM

3 an earlier question. Is it true that you 09:33AM

4 have no expert opinion and are offering no 09:33AM

5 expert opinion in this case as to the 09:33AM

6 validity of these surveys? 09:34AM

7 MS. HAGBERG: Objection; asked 09:34AM

8 and answered. 09:34AM

9 A. By inference because I relied on 09:34AM

10 them to support my statement, I am asserting 09:34AM

11 that the studies are valid. 09:34AM

12 Q. Please tell me all the 09:34AM

13 information that you have -- sorry, strike 09:34AM

14 that. 09:34AM

15 Tell me your complete 09:34AM

16 investigation you made as an expert in 09:34AM

17 determining validity of either of these 09:34AM

18 surveys? 09:34AM

19 MS. HAGBERG: Objection; vague 09:34AM

20 and compound. 09:34AM

21 A. As I said before, I read both 09:34AM

22 studies, which includes a description of the 09:34AM

23 research methodology, and used them as 09:34AM

24 support for my statement. 09:34AM

25 Q. Did you do anything else in order 09:34AM

Name of Case: *Apple Inc. v. Samsung Electronics Co., Ltd., et al.*, Case No. 11-cv-1846 LHK

Date of deposition: April 27, 2012

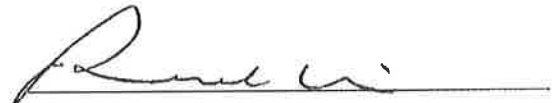
Name of witness: Russell Winer

Reason Codes:

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

Page	Line	Now Reads	Should Read	Reason
9	7	A-T-O-G-L-U	A-T-U-G-L-U	2
30	23	Although not saying it happened here	Although I'm not saying it happened here	3
55	14	Bump	Lump	3
62	1	Buy	Box	3
69	5	Means	Mean	3
108	24-25	Sleep Craft	Sleekcraft	3
112	10	El	Elk	2
113	9	Ridell	Riddell	2
114	4	Ridell	Riddell	2
323	7-8	Sea to shining sea	"Sea to shining sea"	1

Dated: MAY 15, 2012


RUSSELL WINER

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1 THE VIDEOGRAPHER: The time is 05:15PM
2 5:17. That's the end of today's 05:15PM
3 deposition. 05:15PM

4 We are going off the record. 05:15PM

5 (Whereupon, at 5:17 p.m., the
6 Examination of this Witness was
7 concluded.)

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10 

RUSSELL WINER

11
12 Subscribed and sworn to before me
13 this ____ day of ____, 2012.

NOTARY PUBLIC

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