

EXHIBIT B

CONFIDENTIAL BUSINESS INFORMATION

1 UNITED STATES INTERNATIONAL TRADE COMMISSION

2 WASHINGTON, D.C.

3 In the Matter of)

4)

5 CERTAIN ELECTRONIC DEVICES,) NO. 337-TA-794

6 INCLUDING WIRELESS)

7 COMMUNICATION DEVICES,)

8 PORTABLE MUSIC AND DATA)

9 PROCESSING DEVICES AND)

10 TABLET COMPUTERS)

11 -----

14 ***

15 CONFIDENTIAL BUSINESS INFORMATION

16 ***

18 VIDEOTAPED DEPOSITION OF GREG JOSWIAK

19 PALO ALTO, CALIFORNIA

20 THURSDAY, FEBRUARY 23, 2012

23 Reported By:

24 Yvonne Fennelly, CCRR, CSR No. 5495

25 JOB NO. 46686

CONFIDENTIAL BUSINESS INFORMATION

1 UNITED STATES INTERNATIONAL TRADE COMMISSION

2 WASHINGTON, D.C.

3 In the Matter of)

4)

5 CERTAIN ELECTRONIC DIGITAL) NO. 337-TA-796

6 MEDIA DEVICES AND)

7 COMPONENTS THEREOF)

8 -----)

9)

10)

11
12 ***

13 CONFIDENTIAL BUSINESS INFORMATION

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18 PALO ALTO, CALIFORNIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE, INC.,)
Plaintiff,)
vs.) NO. 11-cv-01846-LHK
SAMSUNG ELECTRONICS, LTD.,)
et al.,)
Defendants.)

ATTORNEYS' EYES ONLY
PURSUANT TO THE PROTECTIVE ORDER

VIDEOTAPED DEPOSITION OF GREG JOSWIAK
PALO ALTO, CALIFORNIA
THURSDAY, FEBRUARY 23, 2012

Reported By:
Yvonne Fennelly, CCRR, CSR No. 5495
JOB NO. 46686

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FEBRUARY 23, 2012

9:38 A.M.

Videotaped deposition of GREG JOSWIAK, held at the offices of Wilmer Hale, 950 Page Mill Road, Palo Alto, California, pursuant to Notice, before Yvonne Fennelly, CCRR, CSR 5495.

1 A P P E A R A N C E S

2 MORRISON FOERSTER

3 Attorneys for Plaintiff

4 425 Market Street

5 San Francisco, California 94105

6 BY: MICHAEL A. JACOBS, Esq.

7 JULIA D. KRIPKE, Esq.

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12 WILMERHALE

13 Attorneys for Plaintiff

14 950 Page Mill Road

15 Palo Alto, California 94304

16 BY: MARK D. SELWYN, Esq.

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1 APPEARANCES (Continued):

2

3 QUINN EMANUEL

4 Attorneys for Defendant

5 50 California Street

6 San Francisco, California 94111

7

8 BY: VICTORIA F. MAROULIS, Esq.

9 RENE UNGER, Esq.

10

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12

13

14 APPLE INC.

15 Attorneys for Defendant

16 One Infinite Loop

17 Cupertino, California 95014

18 BY: CYNDI WHEELER, ESQ.

19

20 ALSO PRESENT:

21 Frank Clare

22

23

24

25

1 feedback?

2 A. So I would get customer feedback in
3 multiple ways. So direct customer feedback, I
4 might have customers who e-mail me or e-mail
5 somebody else in the organization that may get
6 sent to me.

04:22PM

7 Obviously, as Apple selling into as
8 broad of a market as we do, you know, most
9 people I touch in everyday life are, a large
10 percent of them are our customers and I would
11 talk, oftentimes, product with them, if we
12 weren't in the course that we were, a situation
13 where I would ask you more about your phone,
14 quite honestly.

04:22PM

15 Q. It's a 4G.

04:23PM

16 A. And why you bought it. So I can
17 understand that better, but I won't ask you
18 that. My team will have similar experiences as
19 well as on occasion, we may work a shift, even
20 an Apple retail store, so we can interact with
21 customers who are in a buying situation to
22 understand and talk to them, to understand their
23 thought process and talk to them.

04:23PM

24 As I said earlier, we do primary
25 research, you know, so we can get quantitative

04:23PM

1 research around what customers like and don't
2 like, and then secondary research we talked
3 about as well. So I'm sure if we're getting
4 some of those, those are some of the touch
5 points.

04:23PM

6 Q. So you're generally aware of user
7 experience and customer experience with respect
8 to the products you're responsible for?

9 A. I certainly have some awareness, you
10 know, I always wish it were, you know, even
11 more, but we try to stay up on things.

04:24PM

12 Q. Does Apple have any evidence of
13 instances where consumers confuse the Samsung
14 phone with an Apple phone?

15 MR. JACOBS: Objection to form.

04:24PM

16 THE WITNESS: Do we have data or a
17 study, are you asking?

18 BY MS. MAROULIS:

19 Q. I'm asking for any evidence, so maybe
20 we could start with the studies.

04:24PM

21 A. Repeat the question, then, please.

22 Q. Is Apple aware of any instances of
23 consumers confusing a Samsung phone for an Apple
24 phone?

25 A. So actually thinking that the Samsung

04:24PM

1 was an Apple; is that the form of the question?

2 Q. Correct.

3 A. I don't have any data to that effect.

4 Q. Are you aware of any studies that

5 Apple conducted to test that proposition, again, 04:24PM

6 outside litigation?

7 MR. JACOBS: You're asking --

8 THE WITNESS: I'm unaware of any.

9 BY MS. MAROULIS:

10 Q. When you say you're not aware of any, 04:25PM

11 do you know that they don't exist or you don't

12 know one way or another?

13 A. Well, I can never know when something

14 doesn't exist if I don't know of it. I

15 certainly am unaware of anything in that area. 04:25PM

16 Q. As a person designated by Apple for

17 topics of confusion, did you take it upon

18 yourself to investigate whether such actual

19 confusion ever occurred?

20 A. In that, I'm aware of our exhaustive 04:25PM

21 report of our research, that was not something

22 listed in our research that we had done, and in

23 my capacity, had it been done, I would hope I

24 would have seen it, but it's not something I've

25 seen. 04:25PM

1 Q. So sitting here right now, you're not
2 aware of any instance where a customer bought a
3 Samsung phone thinking that it's an Apple phone?

4 A. I'm unaware of any data or survey or
5 research to that effect.

04:25PM

6 Q. Are you aware of any anecdotal
7 evidence from customers or sales personnel?

8 A. Of somebody buying a Samsung thinking
9 it was an Apple? I'm unaware of any data or
10 specific evidence to that effect.

04:26PM

11 Q. Whether all of your customer
12 interactions were formal or informal, have you
13 heard of anyone purchasing a Samsung phone
14 thinking it was an Apple phone?

15 A. No, I mean, honestly, my issues are
16 less that they, Samsung, has created a
17 counterfeit that they're trying to pass off as
18 an Apple product. It's more the fact that they,
19 in copying some of our designs, has led some
20 customers to feel they're getting something
21 that's very much like an iPhone when it is not.

04:26PM

04:26PM

22 MS. MAROULIS: I move to strike the
23 witness's commentary on "counterfeit."

24 BY MS. MAROULIS:

25 Q. Going back to my question, though,

04:26PM

1 you're not aware of any evidence of any customer
2 ever buying a Samsung phone thinking it's an
3 Apple phone?

4 A. I am unaware of any data or evidence
5 of a customer buying a Samsung thinking it was 04:27PM
6 specifically an Apple device.

7 Q. Do you have any evidence of consumers
8 buying an Apple phone thinking it's a Samsung
9 phone?

10 A. I have no evidence of somebody 04:27PM
11 specifically buying an Apple device thinking
12 that they were buying a Samsung device.

13 Q. And that goes for both survey
14 evidence and anecdotal evidence; correct?

15 A. I'm unaware of any evidence. 04:27PM

16 Q. I know you are designated for phones,
17 but let me ask you, while you're here, on
18 tablets. Are you aware in your personal
19 capacity of any instances of customer confusion
20 where customers purchased Samsung Galaxy Tab 04:27PM
21 thinking that it was iPad or iPad 2?

22 A. Again, I'm not aware of any evidence,
23 but nor would that be within my scope.

24 Q. Do you think you would have heard
25 about this, even if it's not the product in your 04:28PM

1 immediate line of responsibilities?

2 A. It's possible, but not definite.

3 Q. Are you aware of anyone buying an
4 iPad or iPad 2 thinking it was Galaxy Tab?

5 A. I'm unaware of that. 04:28PM

6 Q. Has Apple done any studies or surveys
7 outside litigation that suggests that people
8 buying Samsung products think they look like
9 Apple products?

10 MR. JACOBS: Think they? 04:28PM

11 BY MS. MAROULIS:

12 Q. Look like Apple products.

13 Let me rephrase that to say phones,
14 since you're a phone guy.

15 A. Okay. 04:28PM

16 So let's repeat the whole thing, if
17 we could, then.

18 Q. Has Apple done any studies or surveys
19 outside litigation that suggest that consumers
20 buying Samsung phones think they look like Apple
21 phones? 04:29PM

22 A. I'm unaware of any reports of that
23 nature.

24 Q. Does Apple, typically, outside
25 litigation context, conduct research to see 04:29PM