

Exhibit 22

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TODD PENDLETON - 3/21/2012

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

--oOo--

APPLE INC. a California)	
corporation,)	
)	
Plaintiff,)	
)	
vs.)	11-cv-01846-LHK
)	
SAMSUNG ELECTRONICS CO.,)	
LTD., a Korean corporation;)	
SAMSUNG ELECTRONICS AMERICA,)	
INC., a New York corporation;)	
and SAMSUNG TELECOMMUNICATIONS)	
AMERICA, LLC, a Delaware)	
limited liability company,)	
)	
Defendants.)	
_____)	

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DEPOSITION OF
TODD PENDLETON

MARCH 21, 2012

VOLUME I

(Pages 1 - 217)

REPORTED BY: SARAH LUCIA BRANN, CSR 3887

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1 MS. CARUSO: Margret Caruso, Quinn,
2 Emanuel, Urquhart & Sullivan, representing Samsung.
3 And with me is Cindi Moreland of STA.

4 THE VIDEOGRAPHER: Your court reporter
5 today is Sarah Brann of Merrill. Would the reporter
6 please swear in the witness?

7 TODD PENDLETON

8
9 _____
10 called as a witness, who, having been first duly
11 sworn, was examined and testified as follows:

12 THE VIDEOGRAPHER: Please begin.

13 EXAMINATION BY MR. PLUNKETT

14 MR. PLUNKETT: Q. Good morning. Could
15 you state and spell your name for the record?

16 A. It's Todd Pendleton, T-o-d-d, last name
17 Pendleton, P-e-n-d-l-e-t-o-n.

18 Q. What's your home address?

19 A. 6546 Sondra Drive, Dallas, Texas 75214.

20 Q. Is this your first deposition?

21 A. Yes, it is.

22 Q. So let's go over some basics of the
23 deposition. Do you understand that you are under
24 oath today?

25 A. I do.

Q. Do you understand that that's the same

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1 increase its market -- smartphone market share?

2 MS. CARUSO: Objection. Beyond the scope.

3 THE WITNESS: Overall market share again
4 remained flat. In some carriers we did better than
5 others that carried the product.

6 MR. HEYISON: Q. And with respect to
7 those carriers, did Apple's sales decrease?

8 A. No.

9 MS. CARUSO: Objection.

10 MR. HEYISON: Q. Did anybody's sales
11 decrease?

12 MS. CARUSO: Objection. Vague. Beyond
13 the scope.

14 THE WITNESS: Obviously RIM is not doing
15 as well as it used to. HTC and Motorola also
16 haven't done as well in that time frame, in the
17 fourth quarter, as they have in the past.

18 MR. HEYISON: Q. In the smartphone market
19 are there sub segments of that market, like premium,
20 regular?

21 A. There are price point differentials, yes.

22 Q. Okay. Can you tell me what those are in
23 the smartphone market?

24 MS. CARUSO: Objection. Beyond the scope.

25 THE WITNESS: The, again, majority of

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1 the -- call them super phone, whatever you want to
2 call them -- could be \$199 and above. You could
3 have 199 down to 99 as your mid tier, and \$99 and
4 below as more of your entry level, if you want to
5 call it that.

6 MR. HEYISON: Q. And does Samsung have
7 product offerings in each of those three categories?

8 A. Yes.

9 Q. And does Apple -- where does Apple have
10 product offerings with respect to those?

11 MS. CARUSO: Objection. Beyond the scope.

12 THE WITNESS: Similar.

13 MR. HEYISON: Q. Pardon?

14 A. It would be similar.

15 Q. So, do Samsung and Apple compete in all
16 three categories?

17 MS. CARUSO: Objection. Beyond the scope.
18 Vague.

19 THE WITNESS: Yes.

20 MR. HEYISON: Q. And the Galaxy S is \$199
21 and above?

22 MS. CARUSO: Objection. Beyond the scope.

23 THE WITNESS: Yes.

24 MR. HEYISON: Q. And the Apple iPhone 4S
25 is in that category, too?

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1 CERTIFICATE OF REPORTER

2 I, SARAH LUCIA BRANN, a Certified
3 Shorthand Reporter, hereby certify that the witness
4 in the foregoing deposition was by me duly sworn to
5 tell the truth, the whole truth, and nothing but the
6 truth in the within-entitled cause;

7 That said deposition was taken in
8 shorthand by me, a disinterested person, at the time
9 and place therein stated, and that the testimony of
10 the said witness was thereafter reduced to
11 typewriting, by computer, under my direction and
12 supervision;

13 That before completion of the deposition,
14 review of the transcript [] was [X] was not
15 requested. If requested, any changes made by the
16 deponent (and provided to the reporter) during the
17 period allowed are appended hereto.

18 I further certify that I am not of counsel
19 or attorney for either or any of the parties to the
20 said deposition, nor in any way interested in the
21 event of this cause, and that I am not related to
22 any of the parties thereto.

23 DATED: March 27, 2012

24 _____
25 SARAH LUCIA BRANN, CSR No. 3887

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