

Exhibit 33

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

APPLE, INC., A CALIFORNIA)
CORPORATION,)
Plaintiff,)
) Case No.: 11-CV-01846-LHK
VS.)
SAMSUNG ELECTRONICS CO.,)
LTD., A KOREAN BUSINESS)
ENTITY; ET AL.,)
Defendants.)

ORAL AND VIDEOTAPED DEPOSITION OF
COREY KERSTETTER
FEBRUARY 29, 2012

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

ORAL AND VIDEOTAPED DEPOSITION OF COREY KERSTETTER,
produced as a witness at the instance of the Plaintiff(s),
and duly sworn, was taken in the above-styled and numbered
cause on Wednesday, February 29, 2012, from 10:04 a.m. to
11:07 a.m., before Tamara K. Chapman, CSR in and for the
State of Texas, reported by machine shorthand, at the
Regus - Highland Park, 4514 Cole Avenue, Suite 600, Dallas,
Texas, pursuant to the Federal Rules of Civil Procedure
and the provisions stated on the record or attached
hereto.

1	(Exhibits 1910 through 1914 were marked.)	10:04
2	THE VIDEOGRAPHER: We are now on record.	10:04
3	The date is February 29th, 2012. The time is 10:04 a.m.	10:04
4	I'm Richard Buckalew, the videographer. The court	10:04
5	reporter is Tamara Chapman. This is the deposition of	10:04
6	Corey Kerstetter in the case of Apple, Incorporated versus	10:04
7	Samsung Electronics Company, Limited.	10:04
8	Counsel will please introduce themselves,	10:04
9	after which the court reporter will swear in the witness.	10:05
10	MR. PLUNKETT: Stuart Plunkett on behalf of	10:05
11	Apple from Morrison & Foerster.	10:05
12	MS. CHAN: Melissa Chan of Quinn, Emanuel on	10:05
13	behalf of Samsung.	10:05
14	COREY KERSTETTER,	10:05
15	having been first duly sworn, testified as follows:	10:05
16	EXAMINATION	10:05
17	BY MR. PLUNKETT:	10:05
18	Q. Mr. Kerstetter, my name is Stuart Plunkett. I'm	10:05
19	from Morrison & Foerster in San Francisco and I represent	10:05
20	Apple, Inc. in this litigation.	10:05
21	Can you state your name for the record.	10:05
22	A. Corey Kerstetter.	10:05
23	Q. And your address?	10:05
24	A. Home address?	10:05
25	Q. Yes.	10:05

1 No. 2 you're providing your analysis of the potential 11:00
2 threat of free iPhone 3? 11:00
3 A. Yep. 11:00
4 Q. The second bullet point you state: Risk is 11:00
5 iPhone 3 will "own" first-time smartphone buyers. 11:00
6 What did you mean by that? Withdrawn. 11:00
7 Why is that a threat? 11:00
8 A. The data -- the data that I've seen shows that 11:00
9 when customers have an investment in a certain OS, Android 11:00
10 and iOS, that iOS has a greater retention rate than -- 11:01
11 than Android. 11:01
12 Q. So, in your view, does that make it more 11:01
13 important for companies like Samsung and Apple to capture 11:01
14 first-time smartphone users? 11:01
15 MS. CHAN: Objection; vague and compound. 11:01
16 A. Please restate that. 11:01
17 MR. PLUNKETT: Can you read it back. 11:01
18 (The requested material was read.) 11:01
19 MS. CHAN: Same objections. And also calls 11:01
20 for speculation. 11:01
21 A. The -- there is a lot of -- again, the key data 11:01
22 is the operating -- operating system repurchase, 11:02
23 repurchase data. So it's -- it's important to -- to -- 11:02
24 for the first-time smartphone purchasers to break them in 11:02
25 to the -- the specific operating system. 11:02

1 Q. (BY MR. PLUNKETT) And what's the risk to Samsung 11:02

2 if a first-time smartphone buyer uses an iPhone 3 instead 11:02

3 of a Samsung phone? What's the risk? 11:03

4 MS. CHAN: Objection; vague. 11:03

5 A. So one of the challenges in -- again, 11:03

6 "smartphones" is probably a little bit out of context 11:03

7 there because there is a lot of RIM smartphone buyers that 11:03

8 are shedding -- shedding RIM. 11:03

9 But when customers make an investment in the 11:03

10 ecosystem around the operating system, then there is 11:03

11 reluctance to -- to change that, from that ecosystem to 11:03

12 another ecosystem. 11:03

13 Q. (BY MR. PLUNKETT) And that leads to additional 11:03

14 sales, additional revenue and additional profit for the 11:03

15 company that sells a smartphone to a first-time smartphone 11:03

16 user; is that right? 11:04

17 MS. CHAN: Objection; vague and compound. 11:04

18 A. There is a lot of speculation there, but in 11:04

19 general what it does lead to is the next time a person 11:04

20 goes to purchase a phone, that there is a reluctance to -- 11:04

21 you're challenged to what they do with the investment that 11:04

22 they've made in that ecosystem. 11:04

23 Q. (BY MR. PLUNKETT) If you move down to the second 11:04

24 to last bullet point, you identify as a threat that Apple 11:04

25 could potentially lock in large numbers of new smartphone 11:04

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APPLE, INC., A CALIFORNIA CORPORATION,
Plaintiff,

VS.

SAMSUNG ELECTRONICS CO., LTD., A KOREAN BUSINESS ENTITY; ET AL.,
Defendants.

Case No.: 11-CV-01846-LHK

REPORTER'S CERTIFICATION
DEPOSITION OF COREY KERSTETTER
FEBRUARY 29, 2012

I, Tamara K. Chapman, Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:

That the witness, COREY KERSTETTER, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness;

That the deposition transcript was submitted on February 29th, 2012 to the witness or to the attorney for the witness for examination, signature and return to me by March 30th, 2012;

That the amount of time used by each party at the deposition is as follows:

1 MR. PLUNKETT - 00:56

2 MS. CHAN - 00:00

3 That pursuant to information given to the deposition
4 officer at the time said testimony was taken, the
5 following includes counsel for all parties of record:

6 Mr. Stuart C. Plunkett - THE PLAINTIFF

7 Ms. Melissa Chan - THE DEFENDANT SAMSUNG ELECTRONICS
8 CO., LTD

9 That \$_____ is the deposition officer's charges
10 to the Plaintiff(s) for preparing the original deposition
11 transcript and any copies of exhibits;

12 I further certify that I am neither counsel for,
13 related to, nor employed by any of the parties or
14 attorneys in the action in which this proceeding was
15 taken, and further that I am not financially or otherwise
16 interested in the outcome of the action.

17 Certified to by me this 29th day of February, 2012.

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Tamara K. Chapman, Texas CSR 7248

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Expiration Date: 12/31/12

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Phone: (877) 702-9580

info@tsgreporting.com

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