

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

BRYAN PRINGLE, an individual,

Plaintiff,

vs.

CASE NO.:
SACV 10-1656 JST

WILLIAM ADAMS, JR,; STACY FERGUSON; ALLAN
PINEDA; and JAIME GOMEZ, all individually
and collectively as the music group The
Black Eyed Peas, et al.,

Defendants.

VIDEOTAPED DEPOSITION OF

DR. ALEXANDER STEWART

WEDNESDAY, JANUARY 4, 2012

9:30 A.M.

Reported by:

Adrienne M. Mignano, RPR

REF: 6651

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1 Stewart

2 And it is vague and ambiguous as to
3 whether you're intending that to
4 represent all.

5 A Yes, I'm saying many of the
6 general similarities, and I think that I'm
7 talking not only about this list, but
8 mostly about that list. Especially if
9 they are taken separately, each one
10 considered by itself, then they do not
11 amount to something that could be
12 considered protectable.

13 Q Are there any other elements
14 that you're referring to?

15 A In this statement here many of
16 the general similarities?

17 Q Yes.

18 A Yeah, the length is not on the
19 list, but it is in the paragraph below
20 that, so I think we have been over that.

21 Q The bass drum possibly?

22 A Yeah, I think you could -- yeah.
23 It is an important element of the genre.
24 Not everything though that I have listed
25 above.

1 Stewart
2 get to a point where you could no longer
3 make the statement that I do, that they
4 are found in numerous other musical works.
5 The list then would become very short
6 indeed. I think, again, most of these are
7 in the realm of ideas not expression so
8 that's a fair statement.

9 Q That the combination is not
10 original to "Take A Dive" derivative
11 version?

12 A Of just these elements that we
13 have named here, yes.

14 Q And so that same combination
15 would be in your opinion not protectable?

16 A Yes. It is, of course,
17 excluding again very important elements,
18 such as that 64 note.

19 Q To be clear, I'm excluding the
20 guitar twang.

21 A I want to be very clear.

22 Q Me too.

23 A Yes.

24 We're also not talking about
25 other elements that I have named too, the