

EXHIBIT B

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 10:02 2 to that website?
 10:02 3 A. Yes.
 10:02 4 Q. And what is your understanding?
 10:02 5 A. My understanding is that if there are
 10:02 6 no ALT tags, that the readers cannot read the
 10:02 7 web page.
 10:02 8 Q. Is it your understanding that there
 10:02 9 have to be no ALT tags or just that there have
 10:02 10 to be some images without ALT tags or there
 10:02 11 would just have to be a certain percentages
 10:02 12 without ALT tags, or do you have any
 10:02 13 understanding of the extent to which -- the lack
 10:02 14 of the number or percentage of images without
 10:02 15 ALT tags there would need to be in order for
 10:02 16 this site to be inaccessible?
 10:02 17 MR. McDOWELL: Objection, incomplete
 10:03 18 hypothetical.
 10:03 19 THE WITNESS: I'm not understanding
 10:03 20 exactly what you're asking.
 10:03 21 BY MR. KONECKY:
 10:03 22 Q. Well, you had said before if I'm
 10:03 23 remembering correctly that you understood if
 10:03 24 there was no ALT tags, that the screen reader
 10:03 25 could not access or the person using the screen

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 10:04 2 A. Yes.
 10:04 3 Q. And how much were the costs that you
 10:04 4 got from Amazon?
 10:05 5 A. I do not remember the exact costs.
 10:05 6 Q. Do you remember a range, an estimate?
 10:05 7 A. For the ALT tag piece?
 10:05 8 Q. Yes.
 10:05 9 A. No, I do not.
 10:05 10 Q. Do you remember a range or an
 10:05 11 estimate of the costs that Amazon told you it
 10:05 12 would need to make accessibility changes -- the
 10:05 13 accessibility changes that were being
 10:05 14 contemplated in 2006 at least to its platform?
 10:05 15
 10:05 16
 10:05 17 Q. And what did that include?
 10:05 18 A. I can't answer everything that it
 10:05 19 included.
 10:05 20 Q. And are these costs that were being
 10:05 21 charged to Target or partially charged to
 10:05 22 Target, or something else?
 10:05 23 A. Charged to Target.
 10:05 24 Q. All of the costs?
 10:06 25 A. (Witness indicating).

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 10:03 2 reader could not access the website.
 10:03 3 And I'm wondering if what you meant
 10:03 4 by that was that there had to be no ALT tags at
 10:03 5 all, or whether you understood that there are
 10:03 6 situations in which even if there are some ALT
 10:03 7 tags, that if there are not ALT tags on certain
 10:03 8 images, whether text or picture, that the result
 10:03 9 would still be a website which is inaccessible
 10:03 10 with somebody with a disability?
 10:03 11 A. I'm not familiar enough with ALT tags
 10:03 12 to answer that question.
 10:03 13 Q. Okay. In your discussion with
 10:04 14 respect to ALT tags that you had with Mr.
 10:04 15 Nitschke, what about cost did you address?
 10:04 16 A. Target currently has -- at the time
 10:04 17 had no ability to add ALT tags on the Amazon
 10:04 18 platform, so Amazon needed to make changes for
 10:04 19 Target to do that.
 10:04 20 Q. Did you discuss any costs that would
 10:04 21 be associated with those changes?
 10:04 22 A. We discussed the fact that we needed
 10:04 23 to get the costs from Amazon.
 10:04 24 Q. And did you ever get the costs from
 10:04 25 Amazon?

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 10:06 2 THE COURT REPORTER: I'm sorry.
 10:06 3 Your answer?
 10:06 4 MR. McDOWELL: Go ahead and answer.
 10:06 5 THE WITNESS: Yes.
 10:06 6 BY MR. KONECKY:
 10:06 7 Q. And has Target paid for these yet?
 10:06 8 A. Some of them, yes.
 10:06 9 Q. Some of them.
 10:06 10 What's the payment schedule?
 10:06 11
 10:06 12
 10:06 13
 10:06 14 Q. And has that represented to Target
 10:06 15 any kind of undue financial burden?
 10:06 16 A. What do you mean by that?
 10:06 17 Q. I mean is it something which was ever
 10:06 18 discussed -- let me start again.
 10:06 19 Is the amount of money paid to
 10:06 20 provide access upgrades to Target.com ever been
 10:07 21 an amount which Target has thought it could not
 10:07 22 afford?
 10:07 23 MR. McDOWELL: Objection, lacks
 10:07 24 foundation.
 10:07 25 THE WITNESS: I -- I can't really

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1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:03 2 referring to?
 11:03 3 A. The business functions are anything
 11:03 4 from the buyers who want functionality on the
 11:03 5 website to site marketing who may need
 11:03 6 functionality on the website, to the fulfillment
 11:03 7 team who may need functionality on the back-end
 11:03 8 to fulfill their business needs.
 11:03 9 Q. Which buyers are you referring to?
 11:03 10 A. Target.com buyers.
 11:03 11 Q. And what is site marketing?
 11:03 12 A. Target.com site marketing. That is
 11:04 13 the team that determines how the pages are laid
 11:04 14 out as far as what merchandise is displayed and
 11:04 15 promoted.
 11:04 16 Q. How many Target.com buyers are there?
 11:04 17 A. I don't have an exact count.
 11:04 18 Q. Approximately?
 11:04 19 A. Oh, I would say that there are
 11:05 20 approximately fifty.
 11:05 21 Q. And do any of those also buy products
 11:05 22 that are going to be displayed in any of the
 11:05 23 retail stores?
 11:05 24 A. No, they do not.
 11:05 25 Q. Do they have any interaction with the

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1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:07 2 anything else related to Target, or are you
 11:07 3 talking about other products or other places?
 11:07 4 A. To other vendors, whether they'd be
 11:07 5 vendors who are already doing business with
 11:07 6 Target but it's different product, or whether
 11:07 7 it's vendors who don't do business with Target
 11:07 8 retail stores at all (witness indicating).
 11:07 9 Q. What percentage of the vendors on
 11:07 10 that -- that sell product on Target.com don't do
 11:07 11 any business at all with the Target retail
 11:07 12 stores?
 11:07 13 A. I can't answer that question.
 11:07 14 Q. Do you know if it's a small amount,
 11:07 15 large amount?
 11:08 16 A. Larger than smaller.
 11:08 17 Q. Well, let me try to make it more
 11:08 18 precise.
 11:08 19 Would you say that more than ten
 11:08 20 percent of vendors on Target.com have absolutely
 11:08 21 no interaction with the Target retail stores?
 11:08 22 A. Yes.
 11:08 23 Q. Twenty percent?
 11:08 24 A. Yes.
 11:08 25 Q. Thirty percent?

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1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:05 2 retail stores, whether discussions or
 11:05 3 coordination of any kind?
 11:05 4 A. Yes, they do.
 11:05 5 Q. And can you describe that
 11:05 6 interaction?
 11:05 7 A. The Target.com buyers, an easy way to
 11:05 8 visualize it is the Target.com buyers go to the
 11:05 9 Target buyers similar to going to a vendor and
 11:06 10 looking at all of the merchandise that they are
 11:06 11 going to be displaying in a Target store and
 11:06 12 picking and choosing what will go on to
 11:06 13 Target.com from the Target merchandise (witness
 11:06 14 indicating).
 11:06 15 Q. When you say Target.com buyers go to
 11:06 16 the Target buyers, you're speaking of that
 11:06 17 second group of Target buyers are the buyers for
 11:06 18 the Target retail stores?
 11:06 19 A. Correct.
 11:06 20 Q. Do the Target.com buyers go anywhere
 11:06 21 else to pick what will be on Target.com?
 11:07 22 A. Yes, they do.
 11:07 23 Q. Okay. And where else do they go?
 11:07 24 A. All over the world.
 11:07 25 Q. Does all over the world include

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1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:08 2 A. At that point, I don't want to guess.
 11:08 3 Q. Somewhere between twenty and thirty
 11:08 4 percent of vendors selling product on Target.com
 11:08 5 do not sell product on -- in the Target retail
 11:08 6 stores.
 11:08 7 Is that approximation correct?
 11:08 8 A. No. It is definitely twenty. It
 11:08 9 could be fifty. I can't give you an answer on
 11:08 10 the twenty to thirty percent approximation.
 11:09 11 Q. Could it be more than fifty?
 11:09 12 A. I doubt that.
 11:09 13 Q. Are my -- am I correct that
 11:09 14 approximately fifty percent of the merchandise
 11:09 15 sold on Target.com is also sold in the Target
 11:09 16 retail stores?
 11:09 17 A. About forty-five percent.
 11:09 18 Q. About forty-five percent. And then
 11:09 19 in addition to that forty-five percent, am I
 11:09 20 correct that there is some additional amount of
 11:09 21 product which is not sold at the same time in
 11:09 22 the Target retail store but which comes from a
 11:09 23 vendor who is doing business with Target retail
 11:09 24 stores?
 11:10 25 A. Will you repeat that one more time?

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1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:10 2 Q. Sure.
 11:10 3 MR. KONECKY: Can you read that back?
 11:10 4 * * *
 11:10 5 (Whereupon, the reporter read back
 11:10 6 the requested portion of the record.)
 11:10 7 * * *
 11:10 8 THE WITNESS: Yes.
 11:10 9 BY MR. KONECKY:
 11:10 10 Q. All right. Then you say at the last
 11:10 11 sentence of paragraph two, "My duties also
 11:10 12 include serving as a liaison between Target.com
 11:10 13 and the representatives who staff Target.com's
 11:10 14 1-800 number."
 11:10 15 Which particular representatives are
 11:10 16 you talking about?
 11:11 17 A. The corporate Amazon managers who are
 11:11 18 responsible for Target.com's 1-800 number at
 11:11 19 Amazon.
 11:11 20 Q. Do you ever communicate with the
 11:11 21 actual people who are handling the calls on the
 11:11 22 1-800 number?
 11:11 23 A. I do not.
 11:11 24 Q. Is that something you have ever done?
 11:11 25 A. I have not.

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1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:11 2 Q. How many managers have you acted as a
 11:11 3 liaison with, managers of the corporate Amazon
 11:11 4 managers involved with the 1-800?
 11:11 5 How many are there?
 11:12 6 A. We deal with three.
 11:12 7 Q. And what are their names?
 11:12 8 A. Hugo Munday I believe is his name.
 11:12 9 Kim -- just know her by Kim. Other -- my other
 11:12 10 team members could answer that on her last name.
 11:12 11 And then David Tarnosky.
 11:12 12 Q. And where are they located?
 11:12 13 A. Seattle, Washington.
 11:12 14 Q. Is that physically where the call
 11:12 15 center is located?
 11:12 16 A. No.
 11:12 17 Q. Where is the call center located?
 11:12 18 A. There is more than one call center.
 11:12 19 Q. How many are there?
 11:12 20 A. I believe there are three.
 11:12 21 Q. Where are the three call centers
 11:12 22 located?
 11:12 23 A. Norfolk -- I'm trying to remember my
 11:13 24 calendar. I can't remember the other two. I
 11:13 25 would need to check on where those are.

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1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:13 2 Q. Do all have the same eight hundred
 11:13 3 number associated with them?
 11:13 4 A. Yes.
 11:13 5 Q. Do you know how many representatives
 11:13 6 are in each call center that are actually
 11:13 7 handling the phones?
 11:13 8 A. I do not.
 11:13 9 Q. Do you have a range?
 11:13 10 A. I do not.
 11:13 11 Q. Do you know how many total
 11:13 12 representatives are staffing phones for calls
 11:13 13 related to Target.com?
 11:13 14 A. I do not.
 11:13 15 Q. Do you know whether it's more or less
 11:14 16 than ten?
 11:14 17 A. More.
 11:14 18 Q. More or less than twenty?
 11:14 19 A. Depends on the volume of the calls
 11:14 20 and the time of the year.
 11:14 21 Q. And to clarify, when you say either
 11:14 22 ten or twenty, or whatever number it is, are you
 11:14 23 talking about total number of employees or total
 11:14 24 number that are staffing at a given time?
 11:14 25 A. Staffing at a given time.

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1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:14 2 Q. Okay. What's the -- when you combine
 11:14 3 the three call centers at the busiest time of
 11:14 4 year, what would be the most people that would
 11:14 5 be staffing?
 11:14 6 A. I don't know.
 11:14 7 Q. Do you know whether it would be more
 11:14 8 than twenty?
 11:14 9 A. I'm assuming, but I don't know.
 11:15 10 Q. You don't?
 11:15 11 Would you be guessing to say it's
 11:15 12 more than twenty?
 11:15 13 A. I would be guessing.
 11:15 14 Q. Would you be guessing to say it's
 11:15 15 more than ten?
 11:15 16 A. I would be guessing but it's -- I
 11:15 17 would hope that that's a fairly intelligent
 11:15 18 guess.
 11:15 19 Q. What is it based on?
 11:15 20 A. Contacts per -- we call it CPU,
 11:15 21 Contacts Per Unit.
 11:15 22 Q. CPU is the number -- the number of
 11:15 23 CPU is the number of calls taken per one of the
 11:15 24 three units?
 11:15 25 A. No.

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1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:15 2 Q. Okay. What is it then?
 11:15 3 A. The number of calls taken per unit
 11:15 4 sold.
 11:15 5 Q. Oh. Is there any way of tracking the
 11:16 6 number of calls taken that do not result in a
 11:16 7 sale?
 11:16 8 A. No.
 11:16 9 Q. That's not something that Target or
 11:16 10 Amazon to your knowledge tracks?
 11:16 11 Am I correct?
 11:16 12 A. All of the contacts -- contacts per
 11:16 13 unit is just a way of measuring how many
 11:16 14 contacts come in. It doesn't mean that every
 11:16 15 contact that comes in is to place an order. It
 11:16 16 could be questions on: Where is my order? My
 11:16 17 order came in damaged, et cetera.
 11:17 18 Q. Do you know what the budget is for
 11:17 19 the 1-800 number?
 11:17 20 A. No, I do not.
 11:17 21 Q. When I say the 1-800 number, I mean
 11:17 22 that function?
 11:17 23 A. Yes.
 11:17 24 Q. You don't know one way or the other
 11:17 25 what's --

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1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:17 2 A. I would need to check.
 11:17 3 Q. Okay. Do you have any estimate?
 11:17 4 A. I do not.
 11:17 5 Q. Okay. Paragraph three says,
 11:17 6 "Target.com was created in 1999."
 11:17 7 When you say Target.com, are you
 11:17 8 referring to the division of Target Corporation
 11:18 9 or the website or something else?
 11:18 10 A. The website.
 11:18 11 Q. Okay. So the -- am I correct that
 11:18 12 the website was launched in 1999?
 11:18 13 A. Yes, you are.
 11:18 14 Q. Okay. When did the division of
 11:18 15 Target Corporation called Target.com get formed?
 11:18 16 A. I believe it was in 2000.
 11:18 17 Q. Who was responsible for creating the
 11:18 18 website Target.com?
 11:18 19 A. Clarify.
 11:18 20 Q. Who created it?
 11:18 21 A. Target.
 11:18 22 Q. Target Corporation?
 11:18 23 A. Yes.
 11:18 24 Q. And do you know why?
 11:19 25 A. Industry trend.

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1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:19 2 Q. Are there certain goals or benefits
 11:19 3 that were trying to be achieved by following
 11:19 4 this industry trend?
 11:19 5 A. It was set up in 1999 as a test to
 11:19 6 see if the guest wanted to interact with
 11:19 7 Target.com on the Internet or not.
 11:19 8 Q. And was it determined that guests as
 11:19 9 a general matter did want to do that?
 11:19 10 A. Yes.
 11:19 11 Q. Why?
 11:19 12 Has Target figured out why guests
 11:19 13 want to interact with Target.com?
 11:19 14 MR. McDOWELL: Objection, lacks
 11:19 15 foundation.
 11:19 16 THE WITNESS: I --
 11:19 17 BY MR. KONECKY:
 11:19 18 Q. Has Target reached any conclusion or
 11:19 19 understanding of why guests interact with
 11:20 20 Target.com?
 11:20 21 MR. McDOWELL: Same objection.
 11:20 22 THE WITNESS: I can't answer that
 11:20 23 question.
 11:20 24 BY MR. KONECKY:
 11:20 25 Q. Do you know whether Target.com is

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1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:20 2 responsible for increasing Target Corporation's
 11:20 3 overall profits?
 11:20 4
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1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
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1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:30 2 Q. Okay. Is there any coordination or
 11:30 3 communication between the two departments?
 11:30 4 A. Yes, there is.
 11:30 5 Q. And can you describe what that is?
 11:30 6 A. Insuring that our brand is
 11:30 7 represented on both sites.
 11:30 8 Q. What do you mean insuring that your
 11:30 9 brand is represented on both sites?
 11:30 10 A. For example, this holiday season,
 11:30 11 Tord was the designer that was used in the
 11:30 12 Target.com stores. That was also used on -- I'm
 11:31 13 sorry, the Target retail stores. That was also
 11:31 14 used on Target.com, so some of the graphics are
 11:31 15 the same so that -- is that the type of
 11:31 16 coordination that you're asking about?
 11:31 17 Q. So one example of coordination
 11:31 18 between the retail stores and Target.com with
 11:31 19 respect to marketing is how the products that
 11:31 20 are sold in both locations are represented, is
 11:31 21 that correct?
 11:31 22 A. No. This isn't the products. This
 11:31 23 is the design theme --
 11:31 24 Q. Okay.
 11:31 25 A. -- that is the signing in the store

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:23 2
 11:23 3
 11:24 4 Can we take a break in about five
 11:24 5 minutes?
 11:24 6 Q. Yeah. We can take a break now if you
 11:24 7 want.
 11:24 8 A. That would be great.
 11:24 9 * * *
 11:24 10 (Whereupon, a short recess was taken.)
 11:29 11 * * *
 11:29 12 BY MR. KONECKY:
 11:29 13 Q. Is there any coordination in
 11:29 14 marketing whether it's site marketing or this
 11:29 15 interactive marketing department between
 11:29 16 marketing that has to do with Target.com and
 11:29 17 marketing that has to do with the retail stores?
 11:29 18 A. What do you mean by coordination?
 11:29 19 Q. Well, is there any way in which the
 11:30 20 people who do marketing -- well, let me start.
 11:30 21 Is there any overlap in the
 11:30 22 personnel, the marketing personnel for people
 11:30 23 who do marketing in -- relative to Target.com
 11:30 24 and marketing relative to the retail stores?
 11:30 25 A. No, they're separate.

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:31 2 had snow flakes, et cetera. The website had
 11:31 3 snow flakes, et cetera, the same type of design.
 11:31 4 Q. All right. So coordinating between
 11:32 5 design themes and the marketing is one
 11:32 6 coordination between marketing at Target.com and
 11:32 7 marketing at the Target stores?
 11:32 8 A. Correct.
 11:32 9 Q. Any others?
 11:32 10 A. The weekly advertisements that is
 11:32 11 available in the circular for the Target retail
 11:32 12 stores is also available on Target.com.
 11:32 13 Q. When access Target.com to obtain or
 11:32 14 information regarding the weekly advertising or
 11:32 15 weekly specials that are available in the Target
 11:32 16 retail stores?
 11:33 17 A. The weekly -- the weekly paper
 11:33 18 circular, what we call the circular is available
 11:33 19 on Target.com.
 11:33 20 Q. And that circular pertains to the
 11:33 21 retail stores?
 11:33 22 A. Correct.
 11:33 23 Q. And what's in the circular?
 11:33 24 A. Products that are sold via the retail
 11:33 25 stores, as well as services that are in the

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:33 2 retail stores.
 11:33 3 Q. Does it -- does the circular include
 11:33 4 prices for the products?
 11:33 5 A. Yes, it does.
 11:33 6 Q. Descriptions of the products?
 11:33 7 A. Short descriptions.
 11:33 8 Q. And I'm talking in both cases about
 11:33 9 products that are actually being sold in the
 11:33 10 retail stores?
 11:33 11 A. Correct.
 11:33 12 Q. And this information can be found on
 11:33 13 Target.com?
 11:33 14 A. Correct.
 11:33 15 Q. And you said there was information
 11:34 16 about services.
 11:34 17 What were you referring to?
 11:34 18 A. If we have a pharmacy in the store.
 11:34 19 If we have a photo lab in the store.
 11:34 20 Q. What other services?
 11:34 21 A. Those are the two that come to mind
 11:34 22 that are put into the circular.
 11:34 23 Q. What information would the circular
 11:34 24 have about the pharmacy?
 11:34 25 A. To refill your prescription or to get

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:34 2 your prescription filled at a Target store.
 11:34 3 Q. Okay. So you can use the Target.com
 11:34 4 website to refill a prescription that you will
 11:34 5 ultimately pick up at the Target retail store?
 11:34 6 A. That is not what the weekly ad says.
 11:34 7 Q. Okay. Let me -- I'm moving subjects.
 11:34 8 Am I correct though, aside from the
 11:35 9 weekly ad, that you can get on -- one can get on
 11:35 10 the Target.com website and on the website use
 11:35 11 the website to fill a prescription that you will
 11:35 12 then pick up in the retail store?
 11:35 13 A. You cannot fill all prescriptions and
 11:35 14 have it picked up in the website or in the
 11:35 15 store. Sorry.
 11:35 16 Q. Excuse me?
 11:35 17 A. You cannot fill all prescriptions and
 11:35 18 have them picked up in the store.
 11:35 19 Q. Okay.
 11:35 20 A. You can only refill a prescription
 11:35 21 and have it picked up in the store.
 11:35 22 Q. Okay. Okay. So one can go to the
 11:35 23 Target.com website, use that website to initiate
 11:35 24 a refill of a prescription, and then ultimately
 11:35 25 pick up the refilled prescription at the Target

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:35 2 store?
 11:35 3 A. Correct.
 11:35 4 Q. And can you also use the website to
 11:35 5 determine the nearest pharmacy located to your
 11:35 6 zip code?
 11:35 7 A. You can use the Target store to
 11:36 8 locate the store closest, and then it will tell
 11:36 9 you if there's a pharmacy, yes.
 11:36 10 Q. Okay. I'm looking at my notes
 11:36 11 regarding a deposition of Greg Bodner --
 11:36 12 A. Uh-huh.
 11:36 13 Q. -- from last year --
 11:36 14 A. Okay.
 11:36 15 Q. -- 2006.
 11:36 16 As I recall, he testified in addition
 11:36 17 that there's a function called the prescription
 11:36 18 transfer functionality.
 11:36 19 Are you familiar with that?
 11:36 20 A. Yes, I am.
 11:36 21 Q. Okay. And what is that?
 11:37 22 A. That is nothing more than an
 11:37 23 interface that allows one store to fax another
 11:37 24 to transfer a prescription. So it is not a
 11:37 25 systematic transfer. It is a manual transfer.

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:37 2 So a guest goes on, and says: I want to
 11:37 3 transfer a prescription from A store to B store.
 11:37 4 Q. A guest goes on Target.com?
 11:37 5 A. Correct.
 11:37 6 Q. Okay.
 11:37 7 A. And store B calls store A and does
 11:37 8 the transfer via phone or via fax, so it's a --
 11:37 9 it looks like it's being done on the Internet,
 11:37 10 but it's really being done on the back-end via
 11:37 11 fax or phone.
 11:38 12 Q. Okay.
 11:38 13 A. Does that make sense?
 11:38 14 Q. I think so.
 11:38 15 And then after the back-end
 11:38 16 coordination between store B and Target store --
 11:38 17 A. Uh-huh.
 11:38 18 Q. -- occurs, the person -- the customer
 11:38 19 can then go into the Target retail store and
 11:38 20 pick up the filled prescription?
 11:38 21 A. Correct.
 11:38 22 Q. Okay. And this can be initiated, the
 11:38 23 process can be initiated by the Target customer
 11:38 24 on Target.com without going into the store
 11:38 25 itself, is that right?

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:38 2 A. That's right, as if they called the
 11:38 3 1-800 number.
 11:38 4 Q. Okay. What information about the
 11:38 5 pharmacy is provided in the weekly circular that
 11:38 6 we were talking about before?
 11:39 7 A. The weekly circular will say one of
 11:39 8 two things: Fill your prescription here for
 11:39 9 convenience. Obviously, I'm paraphrasing.
 11:39 10 Q. When you say here, you mean in
 11:39 11 this --
 11:39 12 A. In the store --
 11:39 13 Q. -- particular store?
 11:39 14 A. Uh-huh.
 11:39 15 Q. Target store?
 11:39 16 A. Correct.
 11:39 17 Q. Okay.
 11:39 18 A. Or sometimes we have a coupon for ten
 11:39 19 dollars off for a new prescription that can only
 11:39 20 be used in the Target store.
 11:39 21 Q. Okay. And that coupon that can only
 11:39 22 be used in the Target store can be accessed via
 11:39 23 Target.com?
 11:39 24 A. No. You can see the coupon on the
 11:39 25 website, but you cannot print that coupon.

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:39 2 Q. Okay. You can learn that the coupon
 11:39 3 exists and find out information about the coupon
 11:39 4 on Target.com, is that right?
 11:39 5 A. You can learn that it exists.
 11:39 6 Q. Okay. And how much it's for --
 11:39 7 A. Correct.
 11:39 8 Q. -- and what it will allow you to do
 11:40 9 in the retail store?
 11:40 10 A. Correct.
 11:40 11 Q. Okay. And the particular coupon that
 11:40 12 you're referring to here is one relative to a
 11:40 13 pharmacy product?
 11:40 14 A. Correct.
 11:40 15 Q. Okay. Are there other coupons that
 11:40 16 are available on Target.com?
 11:40 17 A. Yes.
 11:40 18 Q. Okay. What coupons are those?
 11:40 19 A. Grocery.
 11:40 20 Q. Grocery coupons.
 11:40 21 And the grocery coupons that are
 11:40 22 available on Target.com, can you actually print
 11:40 23 them out?
 11:40 24 A. Yes.
 11:40 25 Q. And then can you bring them to the

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:40 2 store and use them?
 11:40 3 A. Yes.
 11:40 4 Q. Okay. And you made a reference also
 11:40 5 to the weekly advertising about the photo lab in
 11:40 6 the store. Let me rephrase that.
 11:40 7 I think you made a reference that the
 11:40 8 weekly advertising we were talking about that
 11:40 9 was available on Target.com might also include
 11:41 10 information about the service of the photo lab
 11:41 11 in store?
 11:41 12 A. Correct.
 11:41 13 Q. Do I have that right so far?
 11:41 14 A. Correct.
 11:41 15 Q. All right. What information might be
 11:41 16 provided with respect -- in the weekly
 11:41 17 advertising with respect to the photo lab in the
 11:41 18 store?
 11:41 19 A. The cost of prints.
 11:41 20 Q. Anything else?
 11:41 21 A. Not that I'm aware of.
 11:41 22 Q. These are prints that would be picked
 11:41 23 up in the retail store?
 11:41 24 A. Correct.
 11:41 25 Q. And can you also use Target.com to

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:42 2 order digital prints online that would then be
 11:42 3 picked up in the retail store?
 11:42 4 A. You can use Target.com to access
 11:42 5 Yahoo to complete that transaction.
 11:42 6 Q. That transaction for photo prints
 11:42 7 that would be picked up at the Target retail
 11:42 8 store, correct?
 11:42 9 A. Correct.
 11:42 10 Q. Am I correct that you can pick up
 11:42 11 those prints in as little as one hour from the
 11:42 12 time you initiate the order online?
 11:42 13 A. We hope.
 11:42 14 Q. That's the expectation?
 11:42 15 A. That is the expectation.
 11:42 16 Q. Am I also correct that if you
 11:43 17 purchase an order on Target.com -- purchase a
 11:43 18 product on Target.com, that there will be some
 11:43 19 products that you can, if you don't want it,
 11:43 20 return at the physical retail store?
 11:43 21 A. Some products, yes.
 11:43 22 Q. Do those products include products
 11:43 23 that you can only buy on Target.com as --
 11:43 24 A. Some -- sorry.
 11:43 25 Q. Some.

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:43 2 And does it also include products
 11:43 3 that you can buy both on Target.com as well as
 11:43 4 in the Target retail store?
 11:43 5 A. Yes.
 11:43 6 Q. But in either case, there are some
 11:43 7 products which you can purchase on Target.com,
 11:43 8 and then either return them or exchange them in
 11:44 9 a Target retail store, is that correct?
 11:44 10 A. Yes. That's correct.
 11:44 11 Q. And Target.com has a store locator
 11:44 12 function?
 11:44 13 A. Yes.
 11:44 14 Q. How does that work?
 11:44 15 A. The guest inputs their zip code --
 11:44 16 zip code, and we give back a list of stores
 11:44 17 within that area.
 11:44 18 Q. A list of the physical retail stores?
 11:44 19 A. Physical retail stores.
 11:44 20 Q. Can a guest also find out information
 11:44 21 about particular sales or products that might be
 11:44 22 available in his or her zip code or regional
 11:45 23 area by inputting that information into the
 11:45 24 website?
 11:45 25 A. They can find out about the circular

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:45 2 prices and product within their area. That's
 11:45 3 the circular that is printed in the paper.
 11:45 4 Q. Okay. So their -- the Target -- the
 11:45 5 circulars that are applicable to Target retail
 11:45 6 stores --
 11:45 7 A. Correct.
 11:45 8 Q. -- in any given week might have
 11:45 9 different information depending on the geography
 11:45 10 of the particular retail store?
 11:45 11 A. Can you rephrase that?
 11:45 12 I just want to make sure I
 11:45 13 understand.
 11:45 14 Q. Yeah. It's a little convoluted.
 11:45 15 There's not just -- there are
 11:45 16 different circulars for different geographic
 11:46 17 regions in any given day, is that right?
 11:46 18 A. In any given week.
 11:46 19 Q. In any given week?
 11:46 20 A. Yes.
 11:46 21 Q. Okay. There's one circular per week?
 11:46 22 A. Correct.
 11:46 23 Q. For all of Target across the country,
 11:46 24 there's a new circular each week?
 11:46 25 A. Correct.

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 11:46 2 Q. And it changes on the same day each
 11:46 3 week?
 11:46 4 A. Sunday.
 11:46 5 Q. Sunday. But there are different
 11:46 6 versions of the circular perhaps with different
 11:46 7 products or different prices depending upon your
 11:46 8 geographic region?
 11:46 9 A. Correct, that are printed.
 11:46 10 Q. That are printed?
 11:46 11 A. And then are also available online.
 11:46 12 Q. So if you go online to Target.com and
 11:46 13 print in your zip code, you can then obtain
 11:46 14 information about the circular particular to
 11:46 15 your geographic region, is that correct?
 11:46 16 A. Correct.
 11:46 17 Q. And then that circular contains
 11:46 18 information pertaining to the retail stores in
 11:46 19 that geographic region?
 11:47 20 A. Correct.
 11:47 21 Q. Target.com also has baby and wedding
 11:47 22 registries?
 11:47 23 A. Yes.
 11:47 24 Q. And for those, there's an online
 11:47 25 component as well as an in-store component, is

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:47 2 that correct?
 11:47 3 A. Correct.
 11:47 4 Q. And you can create a registry online
 11:47 5 that then would be reflected in the store on the
 11:47 6 registry that's kept in the store, is that
 11:47 7 right?
 11:47 8 A. Yes, it is reflected.
 11:47 9 Q. And you can create a registry online
 11:47 10 or make the purchases from the registry online
 11:48 11 which then people can come to the retail store
 11:48 12 and buy the products that you have put on your
 11:48 13 registry, is that correct?
 11:48 14 MR. McDOWELL: Objection, vague and
 11:48 15 ambiguous.
 11:48 16 THE WITNESS: Restate.
 11:48 17 BY MR. KONECKY:
 11:48 18 Q. Why don't you explain to me how it
 11:48 19 works?
 11:48 20 MR. McDOWELL: Objection, vague and
 11:48 21 ambiguous.
 11:48 22 What works?
 11:48 23 BY MR. KONECKY:
 11:48 24 Q. How does the in-store and online
 11:48 25 components of the baby and wedding registries

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 11:48 2 work at Target?
 11:48 3 A. What components of them?
 11:48 4 Q. Well, all right. I'll try to break
 11:48 5 it down.
 11:48 6 A. Okay.
 11:48 7 Q. We've already established you can
 11:48 8 create a registry online, and then that registry
 11:48 9 will be reflected at the retail store?
 11:48 10 A. Correct.
 11:48 11 Q. Okay. And people can view that
 11:48 12 registry at a kiosk in the retail store?
 11:48 13 A. Correct.
 11:48 14 Q. And people can go to the retail store
 11:48 15 and buy what you've put on the registry when you
 11:49 16 made the registry online, is that right?
 11:49 17 A. Not everything.
 11:49 18 Q. Not everything.
 11:49 19 Some things?
 11:49 20 A. Some things.
 11:49 21 Q. Okay. Which particular things can
 11:49 22 you not go to the store to purchase that might
 11:49 23 be on a registry that you made online?
 11:49 24 A. You cannot purchase anything in store
 11:49 25 that is only available online. However, you can

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:49 2 put those items on to your registry online.
 11:49 3 Q. So for any -- let me break it up.
 11:49 4 So online for the baby and wedding
 11:49 5 registries, you can put on that registry items
 11:49 6 that are available in the retail store?
 11:49 7 A. Yes.
 11:49 8 Q. And even though you've put the item
 11:49 9 on your registry online and paid for it online,
 11:50 10 they can actually be purchased or picked up at
 11:50 11 the store?
 11:50 12 MR. McDOWELL: Objection, vague and
 11:50 13 ambiguous.
 11:50 14 BY MR. KONECKY:
 11:50 15 Q. Let me -- I mixed two things up.
 11:50 16 Even though you set the registry up
 11:50 17 online they can actually -- the products, at
 11:50 18 least those that are available in the retail
 11:50 19 store, can be picked up or purchased in the
 11:50 20 retail store, is that correct?
 11:50 21 A. When you say picked up, what do you
 11:50 22 mean by picked up?
 11:50 23 Q. Can they be purchased in the retail
 11:50 24 store?
 11:50 25 A. Yes, but all products that are in

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:50 2 store cannot be put on to your registry online
 11:50 3 because they're not available online.
 11:50 4 Toilet paper, for example, we don't
 11:50 5 sell online, so you would never be able to when
 11:50 6 you're online put toilet paper on to your
 11:50 7 registry.
 11:51 8 Q. Okay. For those products that are
 11:51 9 both sold online as well as in the retail store,
 11:51 10 am I correct that you can put those items on the
 11:51 11 registry, whether it's a baby or wedding
 11:51 12 registry online, and then they can be -- the
 11:51 13 registry will be seen at the store, and the
 11:51 14 product can be purchased at the store, is that
 11:51 15 correct?
 11:51 16 A. That is correct.
 11:51 17 Q. Okay. And am I correct that that
 11:51 18 would represent approximately forty-five percent
 11:51 19 of the product, or is that number different if
 11:51 20 you're just talking about what would be
 11:51 21 available for registry?
 11:51 22 A. That number is different when you
 11:51 23 start talking about registry.
 11:51 24 Q. Do you know what that number might
 11:51 25 be?

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 11:51 2 A. I do not.
 11:52 3 Q. Target has its own credit card, too,
 11:52 4 right?
 11:52 5 A. Correct.
 11:52 6 Q. And that credit card can be applied
 11:52 7 for online?
 11:52 8 A. Yes.
 11:52 9 Q. And it can be then used at the Target
 11:52 10 retail stores?
 11:52 11 A. Yes.
 11:52 12 Q. And you can use it to get ten percent
 11:52 13 off shopping days at Target stores?
 11:52 14 A. At Target stores, yes.
 11:52 15 Q. Also, at -- for getting prescriptions
 11:52 16 filled at the Target stores?
 11:52 17 You can use the credit card you got
 11:52 18 online to get a ten percent off shopping day for
 11:52 19 getting prescriptions filled at the Target
 11:52 20 store?
 11:52 21 A. I'm sorry. I'm not -- I might be
 11:52 22 thinking into your question, so I want to make
 11:52 23 sure I understand what you're saying.
 11:52 24 Q. Okay. Can you use the credit card,
 11:53 25 the Target credit card which you applied for

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:53 2 online in order to purchase prescriptions at the
 11:53 3 pharmacies at the Target stores?
 11:53 4 A. Yes, you can.
 11:53 5 Q. Okay. And can you also get discounts
 11:53 6 at the retail stores for using your credit card
 11:53 7 that you got online?
 11:53 8 MR. McDOWELL: Objection, lacks
 11:53 9 foundation.
 11:53 10 THE WITNESS: I don't understand what
 11:53 11 -- I don't understand what you mean with that.
 11:53 12 BY MR. KONECKY:
 11:53 13 Q. Well, am I using -- the term a ten
 11:53 14 percent off shopping day, is that familiar?
 11:53 15 A. Yes, it is.
 11:53 16 Q. Okay. What is that?
 11:53 17 A. When you spend a certain amount on
 11:53 18 your credit card, you get ten percent off or
 11:53 19 when you are a new credit cards guest, you get
 11:54 20 ten percent off of a shopping day at Target
 11:54 21 stores.
 11:54 22 Q. All right. So when you -- when you
 11:54 23 apply for and get a Target credit card online
 11:54 24 and you become a new customer that way, you can
 11:54 25 get ten percent off your visit -- what you --

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:54 2 from what you purchase at your visit to the
 11:54 3 retail store?
 11:54 4 A. Yes.
 11:54 5 Q. And that includes purchases you might
 11:54 6 make at the pharmacy in the retail store?
 11:54 7 A. Yes.
 11:55 8 Q. Okay. Back to this issue about
 11:55 9 forty-five percent of the products on Target.com
 11:55 10 -- were sold on Target.com are also sold in the
 11:55 11 Target retail stores?
 11:55 12 A. Correct.
 11:55 13 Q. Does the website distinguish between
 11:55 14 which products are only available on the website
 11:55 15 as opposed to available both in the store and on
 11:55 16 the website?
 11:55 17 A. Yes, we do.
 11:55 18 Q. Okay. How does -- how do you do that
 11:55 19 for the customer?
 11:55 20 A. There is a message that says
 11:55 21 available on the website only, or it says
 11:55 22 available on the website and in Target stores.
 11:55 23 Q. Okay. So it provides the information
 11:55 24 so somebody can browse for the products on the
 11:56 25 website and then after determining what they

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 11:56 2 want, figure out if it's available in the store,
 11:56 3 and then go to the store to purchase it?
 11:56 4 A. (Witness indicating).
 11:56 5 Depends on what their intention is.
 11:56 6 Q. Well, does it allow for somebody to
 11:56 7 do what I just described?
 11:56 8 A. Yes.
 11:56 9 Q. Regardless of intention?
 11:56 10 A. Correct.
 11:56 11 Q. Does Target.com ever provide
 11:56 12 information about products that or services that
 11:56 13 might be offered in a store, but you can't
 11:56 14 purchase on the website itself?
 11:57 15 A. Yes.
 11:57 16 Q. What types of products or services
 11:57 17 would fall into that category?
 11:57 18 A. Portrait studios, pharmacy, grocery.
 11:57 19 Those are the three I can think of off the top
 11:57 20 of my head.
 11:57 21 Q. You talked about the pharmacy and the
 11:57 22 grocery.
 11:57 23 What about the portrait studio?
 11:57 24 How does that work?
 11:57 25 A. You can find out if there's a

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 11:57 2 portrait studio in the store that you are
 11:57 3 closest to.
 11:57 4 Q. You can use the website to find that
 11:57 5 out?
 11:57 6 A. Correct.
 11:57 7 Q. And what is a portrait studio at a
 11:57 8 Target retail store?
 11:58 9 A. We have a handful of portrait studios
 11:58 10 where a guest can go in and have their portrait
 11:58 11 taken or their child's portrait taken which is
 11:58 12 different than a photo lab where you bring in
 11:58 13 your roll of film if you will.
 11:58 14 Q. If I'm looking -- strike that.
 11:58 15 I take it there are pages on
 11:58 16 Target.com which provide information about
 11:58 17 products that are not available in a Target
 11:58 18 retail store, is that correct?
 11:58 19 A. I'm sorry. Say that again?
 11:58 20 MR. KONECKY: Can you read it back?
 11:58 21 * * *
 11:58 22 (Whereupon, the reporter read back
 11:58 23 the requested portion of the record.)
 11:59 24 * * *
 11:59 25 THE WITNESS: Yes.

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 11:59 2 BY MR. KONECKY:
 11:59 3 Q. And do those pages also contain
 11:59 4 information about products that are available in
 11:59 5 the store as well as on line?
 11:59 6 MR. McDOWELL: Objection, vague and
 11:59 7 ambiguous.
 11:59 8 THE WITNESS: I don't understand what
 11:59 9 you mean.
 11:59 10 BY MR. KONECKY:
 11:59 11 Q. Okay. For example, if I'm looking at
 11:59 12 a Target.com website page --
 11:59 13 A. Correct.
 11:59 14 Q. -- and it has the -- it has some
 11:59 15 product on there, and it also has a note on
 11:59 16 there informing the user of the website that
 11:59 17 that particular product is not available in a
 12:00 18 retail store --
 12:00 19 A. Correct.
 12:00 20 Q. -- might that same page that I am
 12:00 21 viewing also show me a product or service that
 12:00 22 is available in a retail store?
 12:00 23 A. It's plausible.
 12:00 24 Q. Does that actually happen?
 12:00 25 MR. McDOWELL: Objection, vague and

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 12:00 2 ambiguous.
 12:00 3 THE WITNESS: I'm not understanding
 12:00 4 what --
 12:00 5 BY MR. KONECKY:
 12:00 6 Q. Well, do you know whether or not
 12:00 7 there are Target.com pages which contain
 12:00 8 information both about, on the one hand,
 12:00 9 products and services that are not available in
 12:00 10 the Target retail store, but on the other hand
 12:01 11 also information about products or services that
 12:01 12 are available in the retail store so you can
 12:01 13 view both on the same page?
 12:01 14 Do you know whether that occurs?
 12:01 15 MR. McDOWELL: Objection, vague and
 12:01 16 ambiguous.
 12:01 17 THE WITNESS: For instance, if you
 12:01 18 search for a product, let's say cameras, you
 12:01 19 will see cameras that are available in Target
 12:01 20 stores and that are available and on the website
 12:01 21 and web only.
 12:01 22 BY MR. KONECKY:
 12:01 23 Q. All right. So you would see that on
 12:01 24 the same page of the website?
 12:01 25 A. You see the items on the same page,

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 12:01 2 yes.
 12:01 3 Q. Okay. And would that be applicable
 12:01 4 for other types of products, not just cameras?
 12:01 5 A. Yes.
 12:01 6 Q. Okay. Are there any particular type
 12:01 7 of products that what you described would not be
 12:01 8 applicable?
 12:01 9 A. Products that we -- and categories
 12:01 10 that we do not carry in store.
 12:02 11 Q. Okay. Other than products or
 12:02 12 categories that you do not carry in the store,
 12:02 13 are there any types of products or services that
 12:02 14 you would have a separate page for -- let me
 12:02 15 start that again.
 12:02 16 You gave the example of cameras in
 12:02 17 which you could do a search, go to -- come up
 12:02 18 with a web page, and on that web page there
 12:02 19 would be both cameras available in the store, as
 12:02 20 well as cameras that are only available online.
 12:02 21 A. Uh-huh.
 12:02 22 Q. Okay. What other products would the
 12:03 23 same thing occur for at Target?
 12:03 24 A. Any categories that are carried both
 12:03 25 on Target.com and Target.

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1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 12:03 2 Q. And which categories would they be
 12:03 3 that you can recall?
 12:03 4 You don't have to give an exhaustive
 12:03 5 list but just what you recall.
 12:03 6 A. Toys, furniture are two examples.
 12:03 7 Q. What about clothes?
 12:03 8 A. Clothing is mainly a store product
 12:03 9 that is carried online as well.
 12:03 10 Q. What percentage of the clothing that
 12:03 11 is carried online is also available in the
 12:03 12 store?
 12:03 13 A. I would be guessing. However, I can
 12:03 14 tell you that it's far above the forty-five
 12:04 15 percent that was listed.
 12:04 16 Q. Are we talking somewhere above eighty
 12:04 17 percent?
 12:04 18 A. Likely, yes.
 12:04 19 Q. How about ninety percent?
 12:04 20 A. I -- at that point, you're asking me
 12:04 21 to guess.
 12:04 22 Q. All right. Toys, furniture,
 12:04 23 clothing, cameras.
 12:04 24 Any other types of products you can
 12:04 25 think of now -- it doesn't have to be an

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 13:53 2 want to contact us, they can hit the link that
 13:54 3 says contact us, and the 1-800 number is on that
 13:54 4 page.
 13:54 5 Q. Has that always been the case in
 13:54 6 terms of getting to the 1-800 number on the
 13:54 7 Target website in terms of its location?
 13:54 8 A. No, it has not.
 13:54 9 Q. And how was -- when did that become
 13:54 10 the case that you just had to click on the
 13:54 11 contact us link on the home page to get taken to
 13:54 12 the 1-800 number?
 13:54 13 A. Spring 2006 I believe is when that
 13:54 14 was changed.
 13:54 15 Q. And how did it used to be before
 13:54 16 then?
 13:55 17 A. A guest would click into the help
 13:55 18 section, and then there were -- I can't bring
 13:55 19 you directly through the path, but there were a
 13:55 20 couple more links for them to get to the eight
 13:55 21 hundred number, but the eight hundred number was
 13:55 22 always available on the site.
 13:55 23 Q. How many links from the home page to
 13:55 24 the eight hundred number did there used to be
 13:55 25 prior to spring of 2006?

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 13:51 2 Q. Okay. Do you know if that's more or
 13:52 3 less than the budget for marketing on Target.com
 13:52 4 or marketing related to Target.com?
 13:52 5 A. As I had said before, I do not know.
 13:52 6 Q. How do you get to the 1-800 -- how
 13:52 7 does one learn about the 1-800 number?
 13:52 8 MR. McDOWELL: Objection,
 13:52 9 speculation.
 13:52 10 BY MR. KONECKY:
 13:53 11 Q. How if in any way has it been -- has
 13:53 12 the 1-800 number and/or Target.com been designed
 13:53 13 so that people would find out about the 1-800
 13:53 14 number?
 13:53 15 MR. McDOWELL: Objection, vague and
 13:53 16 ambiguous.
 13:53 17 THE WITNESS: Can you explain to me
 13:53 18 what you mean by how would one find out?
 13:53 19 BY MR. KONECKY:
 13:53 20 Q. Well, how does -- how are users or
 13:53 21 potential users of Target.com informed of the
 13:53 22 eight hundred number if at all?
 13:53 23 A. There are two ways. On -- if they
 13:53 24 purchase an item, they will find the eight
 13:53 25 hundred number on the packing slip. If they

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 13:55 2 How many steps would somebody have to
 13:55 3 take?
 13:55 4 A. Again, I can't bring you through
 13:55 5 those steps. I'm not sure.
 13:55 6 Q. Are you sure of any of those steps?
 13:55 7 A. I'm sure you had to click help.
 13:55 8 Where from help, I can't tell you how many
 13:55 9 clicks.
 13:55 10 Q. But there were several?
 13:56 11 A. I can't answer if it was one, a
 13:56 12 couple or several.
 13:56 13 Q. Why was this changed in the spring of
 13:56 14 2006?
 13:56 15 A. Based on our guest survey
 13:56 16 information. Our guest told us that they wanted
 13:56 17 the eight hundred number more accessible.
 13:56 18 Q. Anything more specific that was said
 13:56 19 in the guest survey information?
 13:56 20 A. That the guest does not want to have
 13:56 21 to click several times to get to the eight
 13:56 22 hundred number.
 13:56 23 Q. Did any of the guests survey --
 13:56 24 strike that.
 13:56 25 Did any of the guest surveys express

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 13:57 2 or indicate that it was difficult to find the
 13:57 3 1-800 number?
 13:57 4 A. Yes.
 13:57 5 Q. Did any indicate that it had been
 13:57 6 frustrating to try to find the 1-800 number?
 13:57 7 A. Yes.
 13:57 8 Q. Did any indicate they simply could
 13:57 9 not find it?
 13:57 10 A. I can't answer that question.
 13:57 11 Q. Because you don't remember or you
 13:57 12 don't recall or something else?
 13:57 13 A. Because that was not one of the
 13:57 14 comments that was relayed to me for the reason
 13:57 15 we changed.
 13:57 16 Q. Who made the comments to you?
 13:57 17 A. Corinne Thomson.
 13:58 18 Q. Was this a particular guest survey
 13:58 19 that was issued at a particular time, or was it
 13:58 20 more of a general guest survey or something
 13:58 21 else?
 13:58 22 A. General guest survey.
 13:58 23 Q. Can you describe for me how the guest
 13:58 24 surveys are created and distributed with respect
 13:58 25 to Target.com?

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1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 13:58 2 A. So there are two ways.
 13:58 3 The first is based on contacts that
 13:58 4 we get from either e-mail or phone and what the
 13:58 5 guest tells us based on that.
 13:58 6 The second way is when the guest is
 13:58 7 on the website. We randomly choose guests to
 13:59 8 take surveys.
 13:59 9 Q. How many surveys per year do you do
 13:59 10 on a random basis for Target.com?
 13:59 11 A. I can't answer that specifically.
 13:59 12 I'd need to check.
 13:59 13 Q. Do you have an approximation?
 13:59 14 Are we talking one?
 13:59 15 Are we talking twenty, a hundred?
 13:59 16 A. More than a hundred.
 13:59 17 Q. And what percentage of the site
 13:59 18 visitors will receive a random guest survey
 13:59 19 approximately?
 13:59 20 A. I would need to check on that number.
 13:59 21 Q. Do you have an approximate range?
 13:59 22 A. Less than five.
 13:59 23 Q. How many questions do the guest
 14:00 24 surveys have on them?
 14:00 25 A. It's dependent upon where the guest

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1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 14:00 2 gets the survey.
 14:00 3 Q. You mean where on the site, or where
 14:00 4 geographically or something else?
 14:00 5 A. Where on the site.
 14:00 6 Q. And what's the range in terms of
 14:00 7 number of questions?
 14:00 8 A. Ten to fifteen.
 14:00 9 Q. What are the subjects that are
 14:00 10 covered in the random surveys?
 14:00 11 A. Why did you visit the site? Did you
 14:01 12 find what you were looking for? Did you use
 14:01 13 search? If so, was it helpful? Did you
 14:01 14 purchase a product, et cetera.
 14:01 15 So we have -- depending on how you
 14:01 16 got the survey is how -- the questions that
 14:01 17 you'll get.
 14:01 18 Q. Have any of the -- have there ever
 14:01 19 been questions on any of the surveys directed at
 14:01 20 experiences of people using screen access
 14:01 21 software or screen readers?
 14:01 22 A. Not that I'm aware of.
 14:01 23 Q. Are you aware of Target ever doing
 14:01 24 any kind of survey to -- to determine or assess
 14:01 25 or inquire about any experience in particular to

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1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 14:02 2 an individual who relies on screen reader or
 14:02 3 screen access software to surf the Internet?
 14:02 4 MR. McDOWELL: Objection, beyond the
 14:02 5 scope.
 14:02 6 THE WITNESS: So can you repeat the
 14:02 7 question or rephrase it differently?
 14:02 8 BY MR. KONECKY:
 14:02 9 Q. Sure. Are you aware of any surveys
 14:02 10 that have been conducted with respect to
 14:02 11 Target.com to investigate or inquire about the
 14:02 12 experience of somebody using screen readers or
 14:02 13 screen access software while on Target.com?
 14:02 14 MR. McDOWELL: Same objection.
 14:02 15 THE WITNESS: Can you break that
 14:02 16 down?
 14:02 17 BY MR. KONECKY:
 14:02 18 Q. Yeah. Are you aware of any surveys
 14:02 19 that have been done relative to Target.com that
 14:02 20 address the experiences of somebody using screen
 14:02 21 access software?
 14:02 22 A. Not that I'm aware of.
 14:03 23 Q. When I say screen access software,
 14:03 24 I'm including screen readers or other assistive
 14:03 25 devices that are used by people with vision

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14:03	1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07	14:14	1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
14:03	2 disabilities.	14:14	2
14:03	3 Do you understand that?	14:14	3
14:03	4 A. Yes.	14:14	4
14:03	5 Q. And your answer is the same?	14:14	5
14:03	6 A. My answer is the same.	14:14	6
14:03	7 Q. Okay. The guest surveys that are	14:14	7
14:03	8 done in response to particular contacts by a	14:14	8
14:03	9 guest, if I phrased that correctly, how often	14:14	9
14:03	10 does that occur?	14:14	10
14:03	11 A. I'm not sure what you're asking.	14:14	11
14:03	12 Q. You said there were two types of	14:14	12
14:03	13 guest surveys. One was the random selection,	14:15	13
14:03	14 and the other was -- what was the other based	14:15	14
14:03	15 on?	14:15	15
14:03	16 A. So I probably spoke out of context.	14:15	16
14:03	17 There is the survey information that we take,	14:15	17
14:04	18 and then there is contact information that we	14:15	18
14:04	19 take, and the contact information is why the	14:15	19
14:04	20 guest contacted us. So there's not an actual	14:15	20
14:04	21 survey done --	14:15	21
14:04	22 Q. Okay.	14:15	22
14:04	23 A. -- based on that contact.	14:15	23
14:04	24 Does that make --	14:15	24
14:04	25 Q. Gotcha.	14:15	25
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14:04	1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07	14:16	1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
14:04	2 A. Okay.	14:16	2
14:04	3 Q. And did you find out about the	14:16	3
14:04	4 difficulties in finding the 1-800 number from	14:16	4
14:04	5 contact information or from guest survey?	14:16	5
14:04	6 A. Yes, both.	14:16	6
14:04	7 Q. Both?	14:16	7
14:04	8 A. Uh-huh.	14:16	8
14:04	9 Q. Which did you -- was there an order	14:16	9
14:04	10 in terms if you found out about one -- about it	14:16	10
14:04	11 through one first, and then did follow-up or --	14:16	11
14:04	12 A. No.	14:16	12
14:04	13 Q. No. They were coming both ways?	14:16	13
14:04	14 A. Came both ways.	14:16	14
14:04	15 Q. Okay. Seemed to be a common problem,	14:16	15
14:04	16 is that right?	14:16	16
14:04	17 A. Yes.	14:16	17
14:05	18 MR. McDOWELL: Why don't we take a	14:17	18
14:05	19 short break here?	14:17	19
14:05	20 It looks like a good point.	14:17	20
14:05	21 MR. KONECKY: Sure. Fine.	14:17	21
14:05	22 * * *	14:17	22
14:05	23 (Whereupon, a short recess was taken.)	14:17	23
14:14	24 * * *	14:17	24
14:14	25 BY MR. KONECKY:	14:17	25

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1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 14:54 2 A. Correct.
 14:54 3 Q. You don't have to do that if you're
 14:54 4 shopping online, right?
 14:54 5 A. Correct.
 14:54 6 Q. Okay. So, for example, if you're
 14:54 7 shopping for underwear and you need to do it
 14:54 8 through a 1-800 number, you need to talk to
 14:55 9 another person about your preferences, your
 14:55 10 sizes, and the like, correct?
 14:55 11 A. Depends on the guest.
 14:55 12 Q. Well, you need to communicate -- if
 14:55 13 what you're looking for is something that fits
 14:55 14 you, you're going to need to communicate -- or
 14:55 15 something that fits you and something that you
 14:55 16 want, you're going to need to communicate your
 14:55 17 taste and your size as a general matter, isn't
 14:55 18 that right?
 14:55 19 A. Yes.
 14:55 20 Q. Okay. And that's not something
 14:55 21 you're going to have to communicate or deal with
 14:55 22 another person about if you're shopping online,
 14:55 23 right?
 14:55 24 A. Correct.
 14:55 25 Q. Okay. So that's one way at least

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1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 14:55 2 that the two experiences are different, right?
 14:55 3 A. Uh-huh.
 14:55 4 THE COURT REPORTER: Yes?
 14:55 5 THE WITNESS: Yes.
 14:55 6 BY MR. KONECKY:
 14:55 7 Q. Okay. Would you agree that -- that
 14:56 8 shopping online as a general matter provides the
 14:56 9 guest with more flexibility in terms of the way
 14:56 10 in which they're going to browse and the amount
 14:56 11 of time that they're going to spend browsing or
 14:56 12 the amount of breaks that they're going to spend
 14:56 13 during the process than calling the eight
 14:56 14 hundred number and seeking assistance that way?
 14:56 15 MR. McDOWELL: Objection, incomplete
 14:56 16 hypothetical.
 14:56 17 THE WITNESS: It depends on the
 14:56 18 guest.
 14:56 19 BY MR. KONECKY:
 14:56 20 Q. Well, as a general matter, am I
 14:57 21 correct that it would not be the expectation of
 14:57 22 Target that a guest who calls in to the eight
 14:57 23 hundred number would ask for some assistance,
 14:57 24 and then keep the operator on the line for any
 14:57 25 given amount of time while they check out

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1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 14:57 2 something else that has nothing to do with the
 14:57 3 call, and then come back to the operator some
 14:57 4 minutes later?
 14:57 5 That's not the way these calls work,
 14:57 6 is it?
 14:57 7 A. I can't really answer that question.
 14:57 8 Q. I mean I'm not -- why can't you
 14:57 9 answer that question?
 14:57 10 A. You're asking me to speculate on what
 14:57 11 the guest is trying to do.
 14:57 12 Q. No. I'm asking you to tell me about
 14:57 13 what the eight hundred number is set up to
 14:58 14 accomplish, all right?
 14:58 15 I mean presumably Target has a set of
 14:58 16 objectives and conceptions about the eight
 14:58 17 hundred number when it decided to launch that
 14:58 18 particular process or service, right?
 14:58 19 A. Correct.
 14:58 20 Q. Okay. And those were a general set
 14:58 21 of expectations that were not based on any
 14:58 22 particular individual guest's idiosyncrasies,
 14:58 23 right?
 14:58 24 A. Correct.
 14:58 25 Q. All right. Now, in terms of just

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1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 14:58 2 looking at the expectations from Target --
 14:58 3 A. Uh-huh.
 14:58 4 Q. -- am I correct as a general matter
 14:58 5 that Target does not view the eight hundred
 14:58 6 call-in number as something in which the
 14:58 7 operator would be expected to have a call with
 14:59 8 the customer in which the customer was taking
 14:59 9 breaks during the call to do other things
 14:59 10 unrelated to the questions or information that
 14:59 11 was being sought during the call?
 14:59 12 A. That would be an assumption, yes.
 14:59 13 THE COURT REPORTER: I'm sorry.
 14:59 14 Your answer?
 14:59 15 THE WITNESS: That would be an
 14:59 16 assumption, yes.
 14:59 17 BY MR. KONECKY:
 14:59 18 Q. An assumption you would generally
 14:59 19 agree with?
 14:59 20 A. Yes.
 14:59 21 Q. Okay. Now, when somebody browses
 14:59 22 using Target.com, there's no constraints on
 14:59 23 them, at least by Target or Target's
 14:59 24 expectations in terms of when they take a break
 14:59 25 from their browsing, when they do something

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 14:59 2 also, check a message on the phone, go get a
 15:00 3 snack or whatever, are there?
 15:00 4 A. No.
 15:00 5 Q. Okay. That's another way in which
 15:00 6 the experience on the website is different from
 15:00 7 the experience using the 1-800 number as a
 15:00 8 general matter, correct?
 15:00 9 A. As a general matter.
 15:00 10 Q. Okay. And would you agree that as a
 15:00 11 general matter, using a website to browse for
 15:00 12 products or shop for products is more flexible
 15:00 13 for the user or presents a more flexible
 15:00 14 experience than calling into a customer service
 15:00 15 1-800 number?
 15:00 16 MR. McDOWELL: Objection, incomplete
 15:00 17 hypothetical.
 15:00 18 THE WITNESS: It depends on the
 15:00 19 guest.
 15:00 20 BY MR. KONECKY:
 15:00 21 Q. That's something you can't generalize
 15:01 22 about?
 15:01 23 A. I can't generalize what's going to be
 15:01 24 more flexible for you, and what's going to be
 15:01 25 more flexible for me.

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 15:02 2 services offered on Target.com as the access
 15:02 3 provided -- strike that.
 15:02 4 Let me say that again.
 15:02 5 Do you regard the alternative of a
 15:03 6 1-800 number to Target.com as providing equal
 15:03 7 access to an individual with a vision disability
 15:03 8 who may not be able to fully access Target.com?
 15:03 9 MR. McDOWELL: Objection, incomplete
 15:03 10 hypothetical.
 15:03 11 THE WITNESS: Can you restate the
 15:03 12 question?
 15:03 13 BY MR. KONECKY:
 15:03 14 Q. Well, in paragraph seven of your
 15:03 15 declaration, you talk about the 1-800 number as
 15:03 16 being an alternate means to assist guests, okay?
 15:03 17 And my question is whether it is an
 15:03 18 equal means when compared to the 1-800 number or
 15:03 19 something else?
 15:03 20 A. It's an alternative means.
 15:04 21 Q. Can you testify whether or not -- can
 15:04 22 you testify that it isn't -- that the 1-800
 15:04 23 number provides an equal or an equivalent means
 15:04 24 of access as the Target.com website?
 15:04 25 A. I can't --

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 15:01 2 Q. But in terms of your -- I mean Target
 15:01 3 has identified a guest profile, right?
 15:01 4 A. Yes.
 15:01 5 Q. Okay. And that's a single guest
 15:01 6 profile despite the fact that there are many
 15:01 7 different individuals that visit Target, right?
 15:01 8 A. There's a single generalized guest
 15:01 9 profile, but we don't just key into that one
 15:01 10 guest, and don't meet any needs of any of the
 15:01 11 other guests.
 15:01 12 Q. Well, let's just take the single
 15:01 13 generalized guest profile that Target has.
 15:01 14 Am I correct that when applied to
 15:01 15 that guest profile, the experience of shopping
 15:01 16 on Target.com, just as a general matter, more
 15:02 17 flexible than the experience of calling into the
 15:02 18 1-800 number?
 15:02 19 A. I can't answer that question.
 15:02 20 Q. Because you don't know?
 15:02 21 A. Because you're asking me to agree
 15:02 22 with what you're saying, and I don't agree with
 15:02 23 what you're saying.
 15:02 24 Q. Do you regard the 1-800 number as
 15:02 25 providing equal access to the products and

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 15:04 2 MR. McDOWELL: Objection, vague and
 15:04 3 ambiguous.
 15:04 4 THE WITNESS: I can't answer that
 15:04 5 question.
 15:04 6 MR. McDOWELL: Let's take a break.
 15:04 7 MR. KONECKY: Okay.
 15:04 8 * * *
 15:04 9 (Whereupon, a short recess was taken.)
 15:13 10 * * *
 15:13 11 BY MR. KONECKY:
 15:14 12 Q. Has Target or anybody else on behalf
 15:14 13 of Target conducted any interviews of
 15:14 14 individuals to determine how effective the eight
 15:14 15 hundred call-in number process is?
 15:14 16 A. I'm sorry. Repeat the question.
 15:14 17 * * *
 15:14 18 (Whereupon, the reporter read back
 15:14 19 the requested portion of the record.)
 15:14 20 * * *
 15:14 21 THE WITNESS: Not interviews. There
 15:15 22 have not been any interviews --
 23 THE COURT REPORTER: I'm sorry.
 24 There what?
 25 THE WITNESS: There have not been any

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 15:20 2 equivalent access to somebody with -- who as a
 15:20 3 result of a disability could not fully access
 15:20 4 Target.com themselves?
 15:20 5 A. I can't answer that question.
 15:20 6 Q. Because you don't know or because you
 15:20 7 don't understand the question?
 15:20 8 A. Because I don't understand the
 15:20 9 question. You can do anything -- the guest is
 15:20 10 able to do -- to place an order, to browse the
 15:20 11 website, to search on the 1-800 number as they
 15:21 12 are on the website. If they're having a problem
 15:21 13 on the website or they don't want to go through
 15:21 14 the website, they can call the 1-800 number.
 15:21 15 Q. Okay. Well, but if somebody is going
 15:21 16 to search with the 1-800 number, they have to
 15:21 17 rely on the operator to conduct the search for
 15:21 18 them, right?
 15:21 19 A. Correct.
 15:21 20 Q. They can't do it independently,
 15:21 21 right?
 15:21 22 A. Correct.
 15:21 23 Q. And there are different ways to
 15:21 24 search a website, right?
 15:21 25 A. I don't understand what you mean by

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 15:22 2 keyword, the guest can search on a keyword to
 15:22 3 get to that product. If the guest wants to go
 15:22 4 to a category, the guest can go to a category.
 15:22 5 If the guest wants to just browse, the guest can
 15:22 6 browse. It depends on how the guest shops just
 15:22 7 as it does in the store.
 15:23 8 Q. And there are many different ways the
 15:23 9 guest can do it, is that right?
 15:23 10 A. Correct.
 15:23 11 Q. Okay. And the experience of browsing
 15:23 12 or surfing Target.com is qualitatively
 15:23 13 different, would you not agree, than the
 15:23 14 experience of calling the 1-800 number to ask
 15:23 15 for assistance?
 15:23 16 MR. McDOWELL: Objection, vague and
 15:23 17 ambiguous.
 15:23 18 THE WITNESS: It depends on the
 15:23 19 guest. The guest can actually have a better
 15:23 20 experience on the 1-800 number than they can on
 15:23 21 the website.
 15:23 22 My grandmother cannot get through the
 15:23 23 website the way I can get through the website.
 15:23 24 So for her, it's a better experience for her to
 15:23 25 call the 1-800 number.

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 15:21 2 the question.
 15:21 3 Q. Well, there's different ways to
 15:21 4 peruse through a website?
 15:21 5 It's not a linear process
 15:21 6 necessarily, is that correct?
 15:21 7 A. It depends on the guest.
 15:21 8 Q. Well, is -- is perusing -- does
 15:21 9 perusing Target.com need to be a linear process?
 15:21 10 A. It depends on the guest.
 15:21 11 Q. Is it designed to be a linear
 15:21 12 process, or is it designed so that people can
 15:22 13 move through the site in different ways to get
 15:22 14 to wherever they may end up?
 15:22 15 A. The site is designed to work as the
 15:22 16 guest wants it to work. If the guest wants it
 15:22 17 to work in a linear fashion -- I guess I should
 15:22 18 ask you: What do you mean by a linear process?
 15:22 19 Q. Well, how -- what do you mean the
 15:22 20 guest is designed -- the site is designed to
 15:22 21 work -- whatever you said?
 15:22 22 Forget linear or not. You were
 15:22 23 describing the way the site was designed. I'm
 15:22 24 just interested in that.
 15:22 25 A. If a guest wants to search on a

1 PATRICIA ANN PERRY - CONFIDENTIAL - 1.10.07
 15:23 2 BY MR. KONECKY:
 15:23 3 Q. All right. We'll come back to better
 15:23 4 or worse. That's not quite my question.
 15:24 5 My question is whether it is a
 15:24 6 different experience, whether or not browsing or
 15:24 7 navigating through Target.com is qualitatively a
 15:24 8 different experience than calling into the 1-800
 15:24 9 number to have questions answered?
 15:24 10 MR. McDOWELL: Objection, vague and
 15:24 11 ambiguous as to qualitatively different.
 15:24 12 THE WITNESS: What do you mean by
 15:24 13 qualitatively different?
 15:24 14 BY MR. KONECKY:
 15:24 15 Q. What is it about the word
 15:24 16 qualitatively different that you don't
 15:24 17 understand?
 15:24 18 A. What does qualitative mean in this
 15:24 19 sense?
 15:24 20 Can I measure it?
 15:24 21 Q. Well, maybe you can't. I don't know.
 15:24 22 Are there ways in which the
 15:24 23 experience of using Target.com to browse or shop
 15:25 24 for product is different from using the 1-800
 15:25 25 number, and you can't even measure those