

EXHIBIT 1

08:59:01

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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MELANIE TUCKER, On Behalf of)	
Herself and All Others Similarly)	
Situated,)	
)	
Plaintiff,)	Case No. C 06
)	4457 HRL
vs.)	
)	
APPLE COMPUTER, INC., a)	
California Corporation,)	
)	
Defendant.)	
)	

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FRIDAY, OCTOBER 26, 2007

VIDEOTAPE DEPOSITION OF MELANIE TUCKER

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REPORTED BY: BALINDA DUNLAP, CSR 10710, RPR, CRR, RMR

MELANIE TUCKER

09:18:33 1 Q. BY MR. MITTELSTAEDT: You made the decision to buy
09:18:35 2 the iPod at the price that it was offered?
09:18:38 3 A. Yes.
09:18:38 4 Q. And you thought it was worth it?
09:18:42 5 MR. CARPENTER: Objection.
09:18:43 6 Q. BY MR. MITTELSTAEDT: At the time you bought it?
09:18:44 7 MR. CARPENTER: Pardon me. Objection to form.
09:18:47 8 THE WITNESS: I was hoping it would be worth it.
09:18:51 9 Q. BY MR. MITTELSTAEDT: At the time you bought the
09:19:02 10 first iPod, had you heard anything about Apple's online music
09:19:07 11 store?
09:19:08 12 A. Not that I recall.
09:19:10 13 Q. Had either of those friends, Travis or Sean, said
09:19:14 14 anything about the Apple's iTunes music store?
09:19:22 15 A. I don't recall them mentioning the iPod's store.
09:19:26 16 Q. At the time you bought your first iPod, did you have
09:19:30 17 any information as to what music those two friends put on
09:19:34 18 their iPod?
09:19:35 19 A. No.
09:19:40 * 20 Q. Other than that first iPod that you bought in April
09:19:42 21 of 2005, how many other iPods have you bought?
09:19:46 22 A. One.
09:19:47 23 Q. When did you buy that?
09:19:49 24 A. December of 2006.
09:20:00 25 Q. And why did you buy that one?

MELANIE TUCKER

09:20:01 1 A. Because my first one broke.

09:20:04 2 Q. And how did you choose an iPod rather than, say, an
09:20:09 3 iRiver at that point?

09:20:11 4 A. Because all of my music was already on my iTunes and
09:20:15 5 that would have the only way to keep my music. X

09:20:19 6 Q. Did you do anything to research how you could put
09:20:21 7 that music onto another digital player other than an iPod?

09:20:25 8 A. I did not.

09:20:26 9 Q. Have you ever researched that?

09:20:33 10 A. No.

09:20:34 11 Q. Did anyone tell you that it was impossible to put
09:20:39 12 your music that you had on the iPod onto a competing digital
09:20:45 13 music player like an iRiver?

09:20:47 14 MR. CARPENTER: Objection to form.

09:20:49 15 THE WITNESS: Can you repeat the question?

09:20:51 16 Q. BY MR. MITTELSTAEDT: Did anyone ever tell you that
09:20:53 17 you could not put music that you had on your iPod onto a
09:20:57 18 competing digital music player?

09:20:59 19 A. I was aware of that.

09:21:00 20 Q. But did anyone ever tell you that?

09:21:04 21 A. No.

09:21:07 22 Q. How did you become aware of that, as you say?

09:21:12 23 A. I was reading about it.

09:21:18 24 Q. Where?

09:21:18 25 A. Online.

MELANIE TUCKER