

EXHIBIT 2

Rosen Depo

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1 IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

2
3 SONTAI TROY CHAROENAK)
and MARIANNA ROSEN,)
4 individually and on behalf) Civil Action C-05-00037
of all others similarly)
5 situated,)
6 Plaintiffs,)
7 vs.)
8 APPLE COMPUTER, INC.,)
9 Defendant.)
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10
11 wednesday, January 24, 2007
New York, New York
10:17 a.m.

12
13 Videotaped Deposition of MARIANNA ROSEN,
14 taken by Defendant, pursuant to Notice, held at the
15 offices of Jones Day, 222 East 41st Street, New York,
16 New York, on wednesday, January 24, 2007 at 10:17
17 a.m. before Josephine H. Fassett, a Certified
18 Shorthand Reporter and Notary Public of the State of
19 New York.

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1 A P P E A R A N C E S :

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11
12
13 A L S O P R E S E N T :
14 THOMAS DELVECCHIO, Videographer

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15 I think since I had iTunes I don't remember buying
16 them.

17 Q What American record stores did you
18 used to go to?

19 A I think only Tower Records.

20 Q And which Tower?

21 A Where?

22 Q Yeah.

23 A On which street? You know, the one
24 in East Village I think. Not far from Strand's
25 Bookstore. We used to go out and go to Strand's

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1 Bookstore and buy some books and go to Tower
2 Record and buy some records but that was a long
3 time ago.

4 Q When was the last time you were at
5 Tower?

6 A I really don't remember.

7 Q Okay.

8 A But a while ago. Is it even open?

9 Q I don't know.

10 A I think they got out of business. I
11 think they're out of business, the last I heard
12 somewhere they are.

13 Q Do you ever buy physical CD's online
14 like at Amazon.com?

15 A I definitely, if I do buy it, I
16 don't think I bought a CD -- with music again, you
17 mean music, right?

18 Q Right.

19 A I don't think I lately. I might
20 have bought five years ago but not the next, the
21 last couple.

22 Q How about videos, have you bought
23 any videos, physical videos online like through
24 Amazon or another web site?

25 A I bought, definitely I bought the

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1 DVD's, the video DVD's from this Russian Web site
2 called kniga.com with Russian movies in it, that
3 I still, you know, a couple times a year I do
4 that. I don't remember ever buying an American
5 movie online. It's usually a compulsive purchase
6 where I would see the movie I really like and buy
7 it in the store.

8 Q Okay. The third iPod you bought,
9 this is the second one for yourself but the third
10 you bought.

11 A Okay.

12 Q That was a video iPod?

13 A Uh-hum.

14 Q Yes?

15 A I'm sorry. Yes.

16 Q And did you buy that in part because
17 of the video feature?

18 A I like the video feature of course
19 but I bought it mostly because I already had an
20 iTunes library that I could use with it.

21 Q But my question is: Did you buy it
22 in part because of the video aspect?

23 A I bought it in part because of the
24 video aspect but I think there are others that
25 have video access.

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1 Q Did you shop around to see if there
2 were others with videos, other mp3 players with
3 video capability?

4 A I did not shop around because I
5 already had my iTunes library. *

6 Q One of the reasons you wanted a new
7 mp3 player was so you could watch your videos on
8 the player, correct?

9 A No.

10 Q Do you watch the videos on your new
11 iPod?

12 A The screen is too small.

13 Q So you've never, never watched a
14 video on your new iPod; is that correct?

15 A I mean not consciously. I never sit
16 down and watch them. If my son watches a little
17 cartoon, I might look in. It's too small a
18 screen, no.

19 Q Do you have any videos loaded on
20 your new iPod?

21 A Yes, because when it syncs to the
22 iTunes, it automatically loads the videos,
23 although in a funny way. Like, for example, the
24 Desperate Housewives somehow was not there because
25 I don't really care because I don't watch videos

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1 on iPod.

2 Q Does your son watch cartoons on the
3 iPod?

4 A He is not allowed, but he does.
5 They're there, I mean, I don't even know how to
6 delete them. So like, for example, I loaded, I
7 wanted to know what this thing, all this noise
8 about this group Strokes, this New York City group
9 Strokes and I bought a video, you know, how do you
10 say it, video clip from iTunes for that music, and
11 it's a little explicit, but somehow it's in my
12 iPod. I mean not somehow, I know that it should
13 be in my iPod, I synched it, and my son saw it, so
14 I'm not nuts about him watching it.

15 Q Okay. So he does watch videos on
16 your iPod?

17 A Sometimes.

18 Q When you bought the newest iPod, did
19 you think to yourself that you were paying too
20 much for it?

21 A Surely of course, I thought it was
22 expensive, I think all iPods are very expensive.

23 Q When you bought the first iPod, did
24 you think it was expensive?

25 A I thought it was expensive.

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1 Q But you went ahead and voluntarily
2 bought it?

3 A I'm Russian, we derive pleasure from
4 spending money. I'm joking.

5 I thought it was expensive but I
6 wanted something that wouldn't skip the music, so
7 I went and bought it, I thought I'm going to
8 monetize it over years.

9 Q You didn't think it was so expensive
10 that you wanted to take the time to shop around