

EXHIBIT 2

Rosen Depo

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

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3	SOMTAI 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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wednesday, January 24, 2007
New York, New York
10:17 a.m.

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

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

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BY: ROBERT A. MITTELSTAEDT, ESQ.

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A L S O P R E S E N T :

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THOMAS DELVECCHIO, Videographer

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Rosen Depo

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1 bought for many, many, many years I accumulated
 2 that's still there. Some of them I bought back in
 3 Russia, some of them I keep buying it from Russian
 4 stores that are in Russia, and I have the CD's
 5 that I burned using my iTunes library. In other
 6 words, I would purchase music from iTunes and
 7 collect an album with music just to listen in the
 8 car, for example. And there's my iTunes library
 9 which comprises this, the music that I loaded from
 10 CD's in order to -- you know, when you have a CD,
 11 there's nine songs, five of which you like and
 12 four you hate, so I would copy the ones I like
 13 into my library and burn them together with some
 14 other songs. And, of course, there's the music I
 15 bought from iTunes Music Store.

16 Q On CD's that you've actually bought
 17 this physical CD itself, can you estimate
 18 approximately how many of those CD's you have?

19 A That's a really tough question. I
 20 don't know, 30 maybe, 30.

21 Q Thirty? Three-zero?

22 A Maybe 40. Yes.

23 Q Do you have any of the really
 24 old-fashioned albums? You know the --

25 MR. KATRIEL: You're talking about

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1 vinyl records?

2 Q The vinyl.

3 MR. KATRIEL: You're talking about
 4 records?

5 MR. MITTELSTAEDT: Yeah, records.

6 A I know. Unfortunately I don't think
 7 I do.

8 Q How many CD's do you have that you
 9 have burned?

10 A Maybe 10.

11 Q And those are CD's you burned from
 12 music you bought from Apple?

13 A No. As I said, this could be
 14 combination. If I use the iTunes software, I load
 15 a physical CD that I bought in a store or somebody
 16 gave to me, I choose some songs from there. It
 17 may be a mixture, I may have some songs that are
 18 from a physical CD that I loaded, it may be some
 19 songs I bought from Apple, it may be a combination
 20 of two CD's that I bought.

21 Q And then you make a play list and
 22 then you burn the play list?

23 A Right, exactly.

24 Q And then when you burn a CD in that
 25 fashion, how do you use the CD?

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1 A To play it in a car most of the time
 2 because I cannot listen to the iPod say in the
 3 car.

4 Q And have you ever copied that CD
 5 back onto your computer?

6 A The CD that I already burned?

7 Q Yes.

8 A No. why would I do that?

9 Q Do you -- let's walk through the
 10 process that you use to make -- first of all,