"The Apple iPod iTunes Anti-Trust Litigation" Doc. 237 Att. 3

EXHIBIT 3

Dockets.Justia.com

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

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11:08:14 1 probably listen to at least 50 percent of the samples.
11:08:17 2 Q. And if it's an artist that you know?
11:08:21 3 A. It's an artist I know and like and respect, I'll
11:08:24 4 probably listen to three.
11:08:30 5 Q. What's the last song or album that you bought on
11:08:36 6 iTunes?
11:08:49 7 A. I bought News, and I'm drawing a blank on the other
11:08:57 8 one.
11:08:57 9 Q. Okay. How long ago?
11:09:05 10 A. Two weeks ago, three weeks ago. Two, two weeks ago.
11:09:20 11 Q. Do you have any plans to buy another iPod soon?
11:09:23 12 A. No.
11:09:23 13 Q. Are you thinking about upgrading?
11:09:25 14 A. No.
11:09:27 15 Q. Let me hand you Exhibit 2. Just to keep the area
11:09:31 16 clean, you can hand Exhibit 1 back to the reporter, if you
11:09:35 17 would.
11:09:48 18 Exhibit 2 are multiple pages entitled "Purchase
11:09:51 19 history."
11:09:52 20 A. Uh-huh.
11:09:53 21 Q. Do you recognize this?
11:09:55 22 A. Yes.
11:09:57 23 Q. How was it prepared?
11:09:58 24 A. I went into my iTunes purchase history and copied the
11:10:06 25 page and saved it as a file.

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11:10:12 1 Q. The first one is dated April 26, 2005, and the last
11:10:20 2 one is dated July 29, 2007. Can you review this and tell me
11:10:33 3 if this is a complete purchase history covering your
11:10:36 4 purchases during that time period?
11:10:53 5 MR. CARPENTER: I am just going to object. To the
11:10:56 6 extent it calls for her to speculate, there are a number of
11:11:00 7 pages here.
11:11:01 8 Q. BY MR. MITTELSTAEDT: I tell you, I put this together
11:11:03 9 from the purchase history that your counsel produced.
11:11:06 10 A. To the best of my knowledge during that time, yes.
11:11:14 11 Q. In the upper right-hand corner it has an email
11:11:18 12 address, MelanieTucker@Gmail.com. Is that your email
11:11:22 13 address?
11:11:22 14 A. Yes, it is.
11:11:24 15 Q. Is that the email address that you have used for your
11:11:27 16 iTunes account?
11:11:28 17 A. Yes, it is.
11:11:32 18 Q. Having reviewed this document, do you recognize the
11:11:36 19 tracks and albums that you have purchased?
11:11:38 20 A. Yes, for the most part.
11:11:44 21 Q. Let's see if any of this refreshes your recollection
11:11:47 22 from what we have talked about already. The first one, as I
11:11:50 23 say, is dated April 26, 2005. Do you see that?
11:11:58 24 A. Yes.
11:11:59 25 Q. Do you recall that was a matter of days after you

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