

Exhibit 9

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

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)
THE APPLE IPOD ITUNES ANTI-TRUST) No. C-05-0037 YGR
LITIGATION)
)

)

VIDEOTAPED DEPOSITION OF ROGER G. NOLL
San Francisco, California
Thursday, May 16, 2013
Volume 1

Reported by:
JENNIFER L. FURIA, RPR, CSR
CA License No. 8394
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PAGES 1 - 262

[REDACTED]

10:36:49
Page 54

[REDACTED]

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[REDACTED]

10:37:55
Page 55

[REDACTED]

10:40:16
Page 57

[REDACTED]

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10:45:48
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1 variable, what you'd get is a change in the coefficient
2 on Harmony and on 4.7, but that -- that's not relevant
3 for what we're interested in in the damages period.
4 **Q Did you ever ask Econ, Inc. to run this with
5 Harmony relaunch as a variable? 10:47:47**
6 A No. It's pointless. It would not change the
7 results we're interested in.
8 **Q Well, would it change the coefficient on
9 Harmony blocked?**
10 A It would if -- if we cared about 4.7 it would. 10:48:00
11 But we don't care about 4.7 anymore, the -- so, you
12 know -- yes, if we were trying to estimate damages for
13 4.7 then it would be worthwhile to do that, but given
14 that it's no longer in the case it's not worthwhile.
15 **Q Okay. What would you expect to happen to the 10:48:19
16 coefficient for 4.7 if you included a variable for the
17 Harmony relaunch?**
18 A I'd expect the coefficient for 4.7 to be
19 larger and then Harmony relaunch to offset some of it,
20 so I would expect that the net effect of 4.7 will be 10:48:36
21 larger during the first period than during the second
22 period.
23 **Q By second period what do you mean?**
24 A After the Harmony relaunch. In March of 2005
25 or whenever it was. 10:48:48

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1 **Q Okay. While we're still on 13.2 or if you'd
2 reopen 13.2. I just want to walk down the variables.
3 For Harmony when did you turn on -- what date is the
4 Harmony variable turned on?**
5 A The day -- the date that it's released, which 10:46:28
6 is, you know, July -- sometime in July or August of
7 2004. I don't remember the exact date.
8 **Q Okay. And then the next variable is Harmony
9 blocked. What date is that turned on?**
10 A That's the -- the date of 4.7, which is fall 10:46:43
11 of 2000 -- wait a minute. No, wait a minute. When is
12 it? I -- I can't remember. It's the date at which 4.7
13 is released and I can't remember. It's in the report.
14 A few months later, a few months after the Harmony is
15 released. 10:47:06
16 **Q At an earlier deposition we talked about the
17 relaunch of Harmony.**
18 A Right.
19 **Q Did you consider for this regression having a
20 variable for the relaunch of Harmony which was early 10:47:15
21 2005?**
22 A You know, I didn't -- I didn't bother, because
23 by the time we get to this the 4.7 issue is out of the
24 case, so I didn't bother.
25 If you -- if you stuck in the relaunch 10:47:26

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1 **Q So you would expect the coefficient for 4.7 to
2 be lower if you add a variable for the Harmony relaunch
3 than if you didn't?**
4 A Well, it depends on how you -- it would depend
5 on how you specified it. The coefficient for 4.7, are 10:49:04
6 you going to turn it on or turn it off -- are you going to
7 leave it on or turn it off with the Harmony relaunch.
8 If you keep 4.7 on during the entire period
9 between its initial launch until the launch of 7.0, and
10 then you add a Harmony relaunch, the coefficient for 4.7 10:49:24
11 is going to be the same during the whole period, but
12 then you're going to subtract something off of that that
13 would be the coefficient on Harmony, so the net effect
14 of 4.7 would be less after Harmony was relaunched than
15 before. 10:49:39
16 **Q But why would you leave 4.7 variable on after
17 Harmony is relaunched?**
18 A Because 4.7 is still the operating system and
19 you would test the hypothesis whether the Harmony
20 relaunch completely offset it or not. 10:49:56
21 **Q But why would you expect -- what would be the
22 circumstance in which you would expect 4.7 to continue
23 to have an impact on iPod prices after Harmony is
24 relaunched and anybody who wants to can use it?**
25 A Because the -- the issue that's going on in 10:50:12

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I, Jennifer L. Furia, holding CSR License No. 8394, a Certified Shorthand Reporter, licensed by the State of California, hereby certify:

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I further certify I am neither financially interested in the action, nor a relative or an employee of any attorney or party to this action.

IN WITNESS WHEREOF, I have on this date subscribed my name.

Dated: 6/3/2013



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