

EXHIBIT 15

1 UNITED STATES DISTRICT COURT NORTHERN
DISTRICT OF CALIFORNIA SAN JOSE DIVISION

2 -----X
APPLE INC., a California corporation

3
4 PLAINTIFF,

5 -against-

6 SAMSUNG ELECTRONIC CP., LTD., a Korean
business entity; SAMSUNG ELECTRONICS
7 AMERICAN, INC., A New York Corporation;
SAMSUNG TELECOMMUNICATIONS AMERICA, LLC,
8 a Delaware limited liability company,

9
10 DEFENDANTS.
-----X

11
12 ***CONFIDENTIAL***
13
14

15 VIDEOTAPED DEPOSITION OF RUSSELL WINER
16 New York, New York
17 Friday, April 27, 2012
18
19
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21
22

23 Reported by:
24 Rebecca Schaumloffel, RPR, CLR
25 JOB NO. 48805

1 could have been stronger without the 05:10PM
2 infringement. 05:10PM

3 The second point is, we don't 05:10PM
4 know what the long-term implication could be 05:10PM
5 from the loss of the stickiness of the Apple 05:10PM
6 brand due to Samsung's infringements, which 05:10PM
7 could have even more serious long-term 05:10PM
8 implications for the Apple brand. 05:10PM

9 Q. Based on all the work that you 05:10PM
10 have done up until now, and based on 05:10PM
11 everything that has happened up until now, do 05:10PM
12 you have any hard data or empirical evidence 05:10PM
13 that you can point to specifically that shows 05:10PM
14 that Apple has lost any market share as a 05:10PM
15 result of what you say are the similarities 05:10PM
16 between Samsung's devices and Apple's claimed 05:10PM
17 trade dress? 05:10PM

18 MS. HAGBERG: Same objections 05:10PM
19 and asked and answered. 05:10PM

20 A. It is my professional opinion 05:10PM
21 that sales, current sales could well have 05:10PM
22 been lost, and that future sales are at risk 05:10PM
23 because of the infringement. 05:11PM

24 Q. What data do you have 05:11PM
25 specifically, what empirical evidence? 05:11PM

1 A. I don't have any. 05:11PM

2 Q. Do you have any quantification? 05:11PM

3 A. I don't. 05:11PM

4 Q. Do you have any empirical 05:11PM

5 evidence or hard data to show that anything 05:11PM

6 Samsung has done has diluted Apple's brand? 05:11PM

7 A. I think if you take the research 05:11PM

8 reports together, the Poret report with the 05:11PM

9 Van Liere report, and the actions that 05:11PM

10 Samsung has taken with the infringing 05:11PM

11 products, that Apple's brand is at risk both 05:11PM

12 at the present time and in the future from 05:11PM

13 potential confusion in the marketplace that 05:11PM

14 could affect consumer purchasing, in the 05:12PM

15 short run and the long run. 05:12PM

16 Q. My question is, do you have any 05:12PM

17 empirical evidence or hard data to show that 05:12PM

18 Samsung's actions has diluted Apple's brand? 05:12PM

19 MS. HAGBERG: Objection. Asked 05:12PM

20 and answered. 05:12PM

21 A. No. 05:12PM

22 Q. Do you have any quantification of 05:12PM

23 any harm or dilution or loss of any kind to 05:12PM

24 Apple as a result of Samsung's actions? 05:12PM

25 MS. HAGBERG: Objection. Vague. 05:12PM

1 Compound. 05:12PM

2 A. No. 05:12PM

3 MS. HAGBERG: Asked and 05:12PM

4 answered. 05:12PM

5 Q. Do you have any evidence or data 05:12PM

6 to distinguish between harm that Apple's 05:12PM

7 brand has suffered as a result of negative 05:12PM

8 publicity from labor abuses or price fixing 05:12PM

9 or other conduct that's been alleged in the 05:13PM

10 media as compared to any actions that 05:13PM

11 Apple -- excuse me, that Samsung has 05:13PM

12 undertaken? 05:13PM

13 MS. HAGBERG: Objection; 05:13PM

14 compound. Lack of foundation. 05:13PM

15 A. No. 05:13PM

16 Q. Have you undertaken any kind of 05:13PM

17 study to determine whether any dilution that 05:13PM

18 Apple's brand is at risk for is the result of 05:13PM

19 negative publicity such as the exploitation 05:13PM

20 of labor, or price fixing, or the other kinds 05:13PM

21 of negative press that Apple has received? 05:13PM

22 MS. HAGBERG: Same objection. 05:13PM

23 Q. When compared to Samsung's 05:13PM

24 activities? 05:13PM

25 MS. HAGBERG: Same objections. 05:13PM

1 And compound. 05:13PM

2 A. No. 05:13PM

3 MS. HAGBERG: Can I get a 05:13PM

4 reading on our time, please. 05:13PM

5 THE VIDEOGRAPHER: We are at 05:13PM

6 seven hours. 05:13PM

7 MS. HAGBERG: Are you done? 05:13PM

8 MR. ZELLER: Could I just make 05:13PM

9 sure I have a clear answer, because I 05:13PM

10 think it got cut up a little bit. 05:14PM

11 MS. HAGBERG: He said no. 05:14PM

12 MR. ZELLER: Let me just see. 05:14PM

13 BY MR. ZELLER: 05:14PM

14 Q. And you understood my last 05:14PM

15 question, I was asking whether you could 05:14PM

16 distinguish any loss or dilution, or any 05:14PM

17 potential dilution or loss to Apple's brand 05:14PM

18 as a result of this negative kind of 05:14PM

19 publicity we have talked about as opposed to 05:14PM

20 Apple's actions -- or excuse me, Samsung's 05:14PM

21 actions? 05:14PM

22 MS. HAGBERG: Objection. 05:14PM

23 A. I haven't done such a study, no. 05:14PM

24 Q. Okay. I am sorry. I think this 05:14PM

25 got cut up a little bit, so let me try to ask 05:14PM