

Exhibit 10  
(Submitted Under Seal)

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION  
4

5 APPLE INC., a California )  
Corporation, )  
6 )  
Plaintiff, )  
7 )

vs. ) No. 11-CV-01846-LHK

8 )  
SAMSUNG ELECTRONICS CO., LTD. , )  
9 a Korean business entity; )  
SAMSUNG ELECTRONICS AMERICA, )  
10 INC., a New York corporation; )  
SAMSUNG TELECOMMUNICATIONS )  
11 AMERICA, LLC, a Delaware )  
limited liability company, )

12 )  
Defendants, )  
13 )

14  
15 HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY  
16 DEPOSITION OF TIMOTHY BENNER  
17 WEDNESDAY, FEBRUARY 22, 2012  
18  
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21  
22  
23

24 REPORTED BY: JUDIE A. NICHOLAS, CSR NO. 12229  
25 JOB NO: 46809

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

2       FOR THE PLAINTIFF:

3           MORRISON & FOERSTER

4           BY:   CHRISTOPHER L. ROBINSON, ESQ.

5           755 Page Mill Road

6           Palo Alto, CA 94304

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11       FOR THE DEFENDANTS:

12           QUINN EMANUEL URQUHART & SULLIVAN

13           BY:   MARGRET CARUSO, ESQ.

14           555 Twin Dolphin Drive

15           Redwood Shores, CA 94065

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20       ALSO PRESENT:   MICHELLE YANG, SAMSUNG

21                                   BENJAMIN GERALD, VIDEOGRAPHER

1 page count was a whopping 30,637 pages and, 09:18  
2 therefore, we are going to reserve the right to 09:18  
3 keep Mr. Benner's deposition open in light of 09:18  
4 Samsung's voluminous and untimely production of 09:18  
5 these documents? 09:18

6 MS. CARUSO: Samsung believes that Apple 09:18  
7 has had adequate time to review those documents and 09:18  
8 objects to keeping the deposition open. 09:18

9 MR. ROBINSON: Q. Mr. Benner, I 09:18  
10 understand you have had a Ph.D. in anthropology; is 09:19  
11 that correct? 09:19

12 A. That's correct. 09:19

13 Q. And a Bachelor of Arts in anthropology as 09:19  
14 well? 09:19

15 A. That's correct. 09:19

16 Q. When did you receive your PhD in 09:19  
17 anthropology? 09:19

18 A. 2001. 09:19

19 Q. When did you join Samsung? 09:19

20 A. 2007. 09:19

21 Q. And that was -- I understand that was 09:19  
22 around April 2007, does that sound about right? 09:19

23 A. That is correct. 09:19

24 Q. What was your job title when you started 09:19  
25 at Samsung in April 2007? 09:19

1 A. It was manager of strategic marketing. 09:19

2 Q. Did your job duties involve consumer 09:19

3 research at that time? 09:19

4 A. Yes. 09:19

5 Q. And what is your current title? 09:19

6 A. Senior manager, Consumer -- sorry -- 09:19

7 Senior Manager, Consumer Insights and Analytics. 09:19

8 Q. And had your -- excuse me. Strike that. 09:19

9 Do your current job duties involve 09:19

10 consumer research? 09:19

11 A. Yes. 09:19

12 Q. And from when you started in April 2007 to 09:19

13 the present day, your job functions have primarily 09:20

14 concerned consumer research; is that correct? 09:20

15 A. That is correct. 09:20

16 Q. So you are the consumer research guy at 09:20

17 STA; is that correct? 09:20

18 MS. CARUSO: Objection: Vague. 09:20

19 THE WITNESS: Can you clarify what 09:20

20 "consumer research guy" means? 09:20

21 MR. ROBINSON: Q. In layman's terms, 09:20

22 you're primarily responsible for consumer research. 09:20

23 You're here to the testify for Samsung concerning 09:20

24 consumer research; is that right? 09:20

25 A. That is correct. 09:20

1 MS. CARUSO: Objection: Lacks foundation; 02:34  
2 calls for speculation. 02:34

3 THE WITNESS: It would be the strategy 02:34  
4 group. 02:34

5 MR. ROBINSON: Q. Who is involved with 02:34  
6 the strategy group? 02:34

7 A. As mentioned earlier, Justin Denison and 02:34  
8 his team. 02:34

9 Q. Thank you. 02:34

10 I have no further questions at this time, 02:34  
11 subject to the same reservations and the same 02:34  
12 objection by counsel -- 02:34

13 MS. CARUSO: Yes. This time we're getting 02:34  
14 out of here. 02:34

15 THE VIDEOGRAPHER: This marks the end of 02:34  
16 Disk Number 2 of 2, and concludes today's 02:34  
17 deposition of Timothy Benner. The time is 02:34  
18 2:35 p.m., and we are off the record. 02:34

19 (The deposition adjourned  
20 at 2:35 p.m.)

21 --oOo--

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23 Signed under penalty of perjury:

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\_\_\_\_\_  
Timothy Benner

1 I, JUDIE A. NICHOLAS, a Certified  
2 Shorthand Reporter of the State of California, duly  
3 authorized to administer oaths, do hereby certify:

4 That the foregoing proceedings were taken  
5 before me at the time and place herein set forth;  
6 that any witnesses in the foregoing proceedings,  
7 prior to testifying, were duly sworn; that a record  
8 of the proceedings was made by me using machine  
9 shorthand which was thereafter transcribed under my  
10 direction; that the foregoing transcript is a true  
11 record of the testimony given.

12 Further, that if the foregoing pertains to  
13 the original transcript of a deposition in a  
14 Federal Case, before completion of the proceedings,  
15 review of the transcript (X) was ( ) was not  
16 required.

17 I further certify that I am neither  
18 financially interested in the action nor a relative  
19 or employee of any attorney or party to this  
20 action.

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

23 Dated: 2/23/2012

24 \_\_\_\_\_  
25 JUDIE A. NICHOLAS, CSR #12229