

EXHIBIT 10
FILED UNDER SEAL

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 DEFENDANTS.

10 -----X

11
12 ***CONFIDENTIAL***

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14
15 VIDEOTAPED DEPOSITION OF RUSSELL WINER
16 New York, New York
17 Friday, April 27, 2012

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20
21
22
23 Reported by:
24 Rebecca Schaumloffel, RPR, CLR
25 JOB NO. 48805

1 have music on their phone at all. So for 03:26PM
2 them the availability of iTunes is really a 03:26PM
3 non-issue in terms of the brand. There are 03:26PM
4 others that have their music on iTunes, 03:26PM
5 download videos through iTunes and can use 03:26PM
6 them on videos and music on the iPad and the 03:26PM
7 iPhone and for them the answer would be yes, 03:26PM
8 it is part of the applicability. 03:26PM

9 Q. To what degree is the 03:26PM
10 availability of the iTunes store a factor in 03:27PM
11 the sales and success of the iPod Touch 03:27PM
12 devices as opposed to their appearance? 03:27PM

13 A. Since the main function of the 03:27PM
14 iPod Touch -- well, it is evolved from the 03:27PM
15 iPods, but one of the main functions of the 03:27PM
16 iPod Touch is to play music. I would say it 03:27PM
17 is a significant factor for the Touch. 03:27PM

18 Q. How significant? 03:27PM

19 A. I can't quantify it. There are 03:27PM
20 other aspects of the Touch besides music, but 03:27PM
21 I would say very significant. 03:27PM

22 Q. How significant or very 03:27PM
23 significant, to use your word? 03:27PM

24 MS. HAGBERG: Asked and 03:27PM
25 answered. 03:27PM

1 A. Why don't you provide me with 03:27PM
2 some adjectives and I will pick one that I 03:27PM
3 think holds. 03:28PM

4 Q. Are you able to give any 03:28PM
5 quantification to the percentage of consumers 03:28PM
6 who buy and have bought iPod Touch devices 03:28PM
7 principally because of the availability of 03:28PM
8 the iTunes store? 03:28PM

9 A. No, I can't. 03:28PM

10 Q. Are you able to give any 03:28PM
11 quantification as to the percentage of 03:28PM
12 consumers who buy and have bought iPod Touch 03:28PM
13 devices principally because of the way they 03:28PM
14 look and not because of the availability of 03:28PM
15 the iTunes store? 03:28PM

16 A. No, I can't. 03:28PM

17 Q. As compared to the iTunes store, 03:28PM
18 are you able to say that the look of the iPod 03:28PM
19 Touch devices is a more important factor in 03:29PM
20 the sales and success of the devices? 03:29PM

21 A. No. 03:29PM

22 Q. I think you mentioned that you 03:29PM
23 yourself have an iPhone? 03:29PM

24 A. I do. 03:29PM

25 Q. Are you familiar with something 03:29PM

1 called the bounce back feature? 03:29PM

2 A. No. 03:29PM

3 Q. Are you aware that within the 03:29PM

4 Apple interface there is a bounce back 03:29PM

5 feature where an electronic document is 03:29PM

6 scrolled past an edge of the document and the 03:29PM

7 document snaps back into place or 03:29PM

8 automatically relocates itself? 03:29PM

9 MS. HAGBERG: Objection; no 03:30PM

10 foundation. 03:30PM

11 A. No, I am not familiar with that. 03:30PM

12 Q. You never noticed that? 03:30PM

13 A. I may have noticed the result of 03:30PM

14 it, but I never heard it referred to as 03:30PM

15 bounce back. 03:30PM

16 Q. Regardless of whether you have 03:30PM

17 heard of it by a particular name, did you 03:30PM

18 ever notice that feature? 03:30PM

19 A. Could you describe it again? 03:30PM

20 Q. Did you ever notice a feature in 03:30PM

21 the iPhone interface where an electronic 03:30PM

22 document is scrolled past an edge of the 03:30PM

23 document and the document then snaps back 03:30PM

24 into place or automatically relocates itself? 03:30PM

25 MS. HAGBERG: Objection; vague. 03:30PM