

EXHIBIT 69

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

APPLE, INC., a California
5 corporation,
6

7 Plaintiff,
8

9 -vs-

No. 11-CV-01846-LHK

10 SAMSUNG ELECTRONICS CO., LTD.,
11 a Korean business entity; et al.,
12 Defendants.
13

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14 VIDEOTAPED DEPOSITION OF HAL PORET
15 CONFIDENTIAL
16 SAN FRANCISCO, CALIFORNIA
17 THURSDAY, APRIL 19, 2012
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21 Reported by: LOUISE MARIE SOUSOURES, CSR NO. 3575
22 Certified LiveNote Reporter

23 Job 48723
24
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1 that there might be a distinction between owners and 13:28
2 purchasers of cellular telephones? 13:28

3 A. Yes, I addressed that. 13:28

4 Q. Why did you focus on owners as opposed to 13:29
5 purchasers? 13:29

6 A. I didn't. 13:29

7 Q. The survey -- you accepted results from 13:29
8 persons who owned who were not purchasers, right? 13:29

9 A. I let people take the survey, but I didn't 13:29
10 use them in the secondary meaning universe. 13:29

11 Q. They were excluded from that? 13:29

12 A. It's just what you were asking me about 13:29
13 before, those people took the survey, but in the 13:29
14 analysis of the secondary meaning level, those people 13:29
15 weren't included in that universe. 13:29

16 Q. Why did you let them take the survey if you 13:29
17 were not including them in the universe of people 13:29
18 whose responses would be considered for determining 13:30
19 secondary meaning? 13:30

20 A. For a couple of reasons. 13:30

21 Number one, the most important one being that 13:30
22 since there was potentially a dilution aspect to this 13:30
23 case, and there was a general interest in finding out 13:30
24 how widely the iPhone trade dress was recognized even 13:30
25 outside of the narrower universe for secondary 13:30

1 meaning. 13:30

2 So including people who owned mobile phones 13:30

3 but don't fall within the narrower category of 13:30

4 secondary meaning universe being the recent purchasers 13:30

5 or the likely future purchasers gave us a broader base 13:30

6 of relevant consumers to see what the recognition 13:30

7 level of the trade dress was there. 13:30

8 Q. Is it your testimony that the cellular 13:30

9 telephone survey you performed could be used both to 13:31

10 measure secondary meaning and in a dilution analysis? 13:31

11 A. No, that's not what I was saying. 13:31

12 What I mean is this -- by including somewhat 13:31

13 of a broader audience at least there are some results 13:31

14 just as you were asking me before what would the 13:31

15 results have been among people who bought a phone more 13:31

16 than 12 months ago, we have those results. 13:31

17 So if somebody is interested in getting a 13:31

18 sense of is the iPhone trade dress recognized amongst 13:31

19 a broader audience there's data on that. 13:31

20 Q. Anywhere in your report do you break out your 13:32

21 findings with respect to secondary meaning among just 13:32

22 the group of respondents who were likely to purchase a 13:32

23 cellular telephone in the coming 12 months? 13:32

24 A. I don't think so. I mean it's in the data 13:32

25 that's produced along with the report, but it's not 13:32

1 laid out like that in the body of the report. 13:32

2 Q. Why not? 13:32

3 A. Because I don't see the relevance of breaking 13:32

4 that out as a separate group to look at when that's 13:32

5 just one piece of the relevant universe. 13:32

6 Q. So in your view, looking at secondary meaning 13:33

7 among prospective purchasers is not relevant? 13:33

8 MR. BEARD: Objection, misstates and 13:33

9 mischaracterizes prior testimony. 13:33

10 THE WITNESS: No, that's not what I said. 13:33

11 BY MR. QUINTO: 13:33

12 Q. I'm sorry, would you explain it again, 13:33

13 please? 13:33

14 A. I just said the universe as I see it is -- 13:33

15 consists of recent and likely future purchasers. 13:33

16 So I don't see the reason for breaking out 13:33

17 the results based on only part of that being just the 13:33

18 future purchasers, but anybody who wants to do that, 13:33

19 it's in the data. 13:33

20 Q. Do you intend to analyze your data further 13:33

21 between now and trial, your data for either the cell 13:34

22 phone or the tablet computer surveys? 13:34

23 A. I don't know. Only if there's some reason 13:34

24 to. 13:34

25 Q. As you sit here today, you have no such 13:34