

EXHIBIT U

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE INC., a California
corporation,

Plaintiff,

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

SAMSUNG ELECTRONICS CO., LTD.,
a Korean business entity;

SAMSUNG ELECTRONICS AMERICA,
INC., a New York corporation;

SAMSUNG TELECOMMUNICATIONS
AMERICA, LLC, a Delaware

limited liability company,

Defendants.

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CONFIDENTIAL
ATTORNEYS' EYES ONLY
OUTSIDE COUNSEL
VIDEOTAPED DEPOSITION OF SISSIE TWIGGS
Redwood Shores, California
Wednesday, July 27, 2011

Reported by:
LORRIE L. MARCHANT, CSR No. 10523, RPR, CRR, CCRR, CLR
JOB NO. 40670

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July 27, 2011

10:12 a.m.

Videotaped Deposition of SISSIE
TWIGGS, held at the offices of Quinn
Emanuel Urquhart & Sullivan, LLP, 555
Twin Dolphin Drive, Redwood Shores,
California, before Lorrie L. Marchant,
a Certified Shorthand Reporter,
Registered Professional Reporter,
Certified Realtime Reporter,
California Certified Realtime Reporter
and Certified LiveNote Reporter.

1 (Marked for identification purposes,
2 Exhibits 26 - 27.)

3 THE VIDEOGRAPHER: Good morning. This is the
4 start of Disk 1, Volume I, of the videotaped deposition
5 of Sissie Twiggs in the matter Apple Incorporated,
6 versus Samsung Electronics Company Limited, et al., in
7 the U.S. District Court, Northern District of
8 California, San Jose Division. Number 11-CV-01846-LHK.

9 The deposition is being held at 555 Twin
10 Dolphin Drive, Redwood City, California, on July 27th,
11 2011, at approximately 10:12 a.m.

12 My name is Sean McGrath from TSG Reporting,
13 Incorporated, and I am the legal video specialist. The
14 court reporter is Lorrie Marchant in association with
15 TSG Reporting.

16 Will counsel please introduce yourselves.

17 MS. MAROULIS: Victoria Maroulis with Quinn
18 Emanuel, counsel for Samsung. With me are Erik Olson
19 and Alex Binder.

20 MS. TAYLOR: Jennifer Taylor from Morrison &
21 Foerster for plaintiff, Apple Incorporated.

22 MS. KRIPKE: Julia Kripke from Morrison &
23 Foerster for plaintiff, Apple Incorporated.

24 MS. TIERNEY: Erica Tierney from Apple.

25 THE VIDEOGRAPHER: Will the court reporter

1 please swear in the witness.

2 THE REPORTER: Do you solemnly swear or affirm
3 under the penalties of perjury that the testimony you
4 are about to offer will be the truth, the whole truth
5 and nothing but the truth?

6 THE WITNESS: I do.

7 THE VIDEOGRAPHER: You may proceed.

8 EXAMINATION BY MS. MAROULIS

9 BY MS. MAROULIS:

10 Q. Good morning, Ms. Twiggs. How are you today?

11 A. Fine. Thank you.

12 Q. My name is Victoria Maroulis, and I'm counsel
13 for Samsung. And I'll be asking some questions today.

14 A. Okay.

15 Q. Have you ever been deposed before?

16 A. I have.

17 Q. How many times?

18 A. I've been deposed twice before. Never for
19 Apple. One was a personal matter, concerning some
20 property in my family, in North Carolina. And another
21 was a matter when I was working at an advertising agency
22 in San Francisco, for one of my clients. It was a
23 employment issue.

24 Q. What advertising agency was that?

25 A. That was at J. Walter Thompson in

1 BY MS. MAROULIS:

2 Q. Okay. Do you have any information on whether,
3 as a result of Samsung devices, Apple's advertising
4 became less effective?

5 A. When there's confusion, when someone is coming
6 in with something that looks very much like your
7 product, that -- that causes some confusion.

8 And I have to state that it's not something
9 that's easy to get back. Once you've derailed a
10 conversation, it's hard to bring that back, if at all
11 possible. So I don't know that you get those customers
12 back.

13 Q. Do you believe you lost any customers? "You"
14 meaning Apple?

15 A. There are probably -- there are probably a few
16 customers we lost.

17 Q. Do you have any evidence of that or are you
18 just speculating?

19 A. I don't have any evidence of that. My guess --
20 my guess is that we lost some customers.

21 Q. That is your guess, not supported by any
22 information; correct?

23 A. I don't have the sales figures.

24 MS. TAYLOR: Wait. Wait. She's not testifying
25 on behalf of the company on this.

1 But go ahead and answer in your personal
2 knowledge.

3 THE WITNESS: Okay. I don't have the sales
4 figures. Or the market share.

5 BY MS. MAROULIS:

6 Q. Do you have any evidence of erosion of Apple's
7 distinctiveness in customers' minds as a result of
8 Samsung's phones?

9 A. I don't have evidence.

10 Q. So you don't have evidence at all that Apple
11 has been harmed in any way by the sale of Samsung's
12 phones; correct?

13 A. I focus on our advertising and what we're doing
14 in our advertising and moving our advertising forward.
15 And I don't spend -- I don't have time to spend on
16 pulling data such as that. So I do not have that data.
17 Does it exist? Probably.

18 Q. You don't know whether it exists or not; right?

19 A. I don't know.

20 Q. So your testimony on this topic is limited to
21 amount of dollars that Apple spends on advertising; is
22 that right?

23 MS. TAYLOR: Mischaracterizes her testimony.
24 Move to strike -- you moved to strike her answer on the
25 topic.