

Exhibit K

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

4 -----x
5 APPLE INC., a California
6 corporation,

7 Plaintiff,

8 vs.

9 Case No.
10 11-CV-01846-LHK

11 SAMSUNG ELECTRONICS CO., LTD, a
12 Korean business entity; SAMSUNG
13 ELECTRONICS AMERICA, INC., a New
14 York corporation; SAMSUNG
15 TELECOMMUNICATIONS AMERICA, LLC,
16 a Delaware limited liability
17 company,

18 Defendants.
19 -----x

20 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
21 VIDEOTAPED DEPOSITION OF JOHN HAUSER, a
22 witness called by the Defendants, taken
23 pursuant to the applicable provisions of the
24 Federal Rules of Civil Procedure, before James
25 A. Scally, RMR, CRR, a Notary Public in and
for the Commonwealth of Massachusetts, at the
offices of WilmerHale, 60 State Street,
Boston, Massachusetts, on Friday, April 27,
2012, commencing at 9:31 a.m.
TSG Job # 48803

1 that that's no longer in issue in this case. Should a 09:38:36
2 patent expert interpret my information for any other 09:38:41
3 patents, I can't comment upon that. 09:38:44
4 Q. Okay. So we're going to now talk about the 09:38:45
5 qualitative interviews which you discuss in your report in 09:38:51
6 paragraphs 35 to 41, beginning on page 20. 09:38:55
7 So you say in your report in the second sentence 09:39:07
8 of paragraph number 35, "I instructed AMS to conduct in- 09:39:10
9 depth interviews with current Samsung smartphone and tablet 09:39:15
10 owners." 09:39:18
11 Do you see that? 09:39:19
12 A. I see that sentence, yes. 09:39:19
13 Q. Okay. Do you know anything about the process by 09:39:22
14 which these 20 people were selected? 09:39:27
15 A. Yes. 09:39:31
16 Q. Tell me everything you know about this process. 09:39:32
17 A. I'll tell you what I can remember at the moment. 09:39:35
18 These potential qualitative interviewees were selected 09:39:40
19 using Bennett Research. 09:39:49
20 Q. Sorry? 09:39:51
21 A. Bennett. I will provide a spelling of that as 09:39:52
22 well. It's a Boston-based firm. We work with them quite a 09:39:54
23 bit. 09:40:01
24 And these were selected to be representative -- 09:40:01
25 not random, as it is not necessary for qualitative 09:40:03

1 interviews -- representative of Samsung's smartphone and 09:40:08
2 tablet users. These were interviews that were about 30 to 09:40:14
3 45 minutes. They were open-ended, exploratory interviews. 09:40:19
4 They were conducted by professionals at Applied Marketing 09:40:24
5 Science. During these interviews, they're just exploring 09:40:30
6 the words and phrases that consumers use; they're exploring 09:40:33
7 how consumers talk about these smartphones and tablets. 09:40:37
8 And it's basically background that's part of the design of 09:40:42
9 the study. It's not the study itself. 09:40:46
10 Q. Okay. Could you spell the name of that firm that 09:40:51
11 you mentioned that selected these 20 people? 09:40:53
12 A. B-e-r-n-e-t-t. And I will make sure of that 09:40:59
13 spelling, but that's the best I can remember at the moment. 09:41:06
14 Q. Okay. And you said you'd used them before? 09:41:09
15 A. Yes. They're a common partner of Applied 09:41:15
16 Marketing Science, AMS. 09:41:19
17 Q. Do you know how many people they invited? 09:41:25
18 A. No, I do not. 09:41:28
19 Q. Do you know how they ended up with 20? 09:41:39
20 A. The rule of thumb is that we talk to these people 09:41:43
21 until we feel we have a good understanding of the market 09:41:49
22 information that will help me design the questionnaire. 09:41:55
23 And there's also some good scientific evidence 09:41:58
24 that 20 is more than sufficient. I'd cite a 1980 -- 1993 09:42:00
25 paper that I wrote published in Marketing Science called 09:42:08

1 "The Voice of the Customer." It's actually won a number of 09:42:13

2 awards. And it indicates that 20 is more than sufficient. 09:42:17

3 Q. Okay. Do you know the split between tablet versus 09:42:23

4 smartphone customers in this -- within this group of 20? 09:42:25

5 A. It's -- I don't know the exact split, but what I'm 09:42:29

6 trying to do is have both tablet and smartphone users in 09:42:33

7 there. It would be approximately 50/50. 09:42:37

8 Q. Are you -- what are you basing that 50/50 -- what 09:42:42

9 are you basing the 50/50 on? 09:42:45

10 A. As I said, it's approximately 50/50. I don't know 09:42:47

11 the exact number. That would be typical in this type of 09:42:49

12 interviewing. 09:42:52

13 Q. Okay. Would you be surprised if it was some other 09:42:53

14 split? 09:42:58

15 A. Well, it's quite possible. It's always possible. 09:43:01

16 You talk to one person and learn everything you need to 09:43:04

17 know. It's unlikely. So I would be surprised if they 09:43:06

18 talked to just one person in either one of these. 09:43:11

19 I do know that a number of these people owned both 09:43:13

20 tablets and smartphones, so essentially getting information 09:43:17

21 on both. And that's not -- 50/50 -- it's a little bit less 09:43:25

22 than 50/50 that I did check on. But the goal is to have a 09:43:28

23 set of people who are going to give us the words and 09:43:35

24 phrases. 09:43:38

25 Q. And how do you know that -- how do you know that 09:43:38

1 Q. Okay. Do you know the gender distribution of this 09:46:19
2 group of 20? 09:46:21

3 A. I do not know the gender distribution other than 09:46:22
4 knowing that, as is appropriate, we have both males and 09:46:24
5 females in this sample and that it's not particularly 09:46:29
6 skewed one way or the other. 09:46:32

7 Q. And how do you know that? 09:46:34

8 A. This is -- this is the standard way of doing 09:46:35
9 things. AMS has been doing this for 24 years now, and I 09:46:38
10 have established the procedures, I know the rules and 09:46:47
11 procedures they work with, and I'm confident that they 09:46:49
12 follow those. 09:46:52

13 Q. Do you know the income distribution of this group 09:46:56
14 of 20? 09:46:59

15 A. I do not know the income distribution nor do I 09:47:01
16 need to know the income distribution. What I do need to 09:47:03
17 know in these qualitative interviews that are a part of the 09:47:06
18 design process, not part of the study, is that we have 09:47:09
19 people represented across the income distributions. 09:47:12

20 Q. And you know that because that -- that's the 09:47:16
21 standard procedure? 09:47:20

22 A. This would be the standard procedure, procedures 09:47:21
23 that we've put in place and we've followed for 24 years. 09:47:25

24 Q. But you -- you don't know specifically if it was 09:47:28
25 followed here, do you? 09:47:30

1 material? 09:52:16

2 A. What do you mean? 09:52:17

3 Q. Well, a memo or notes or anything like that. Did 09:52:19

4 you write anything down and give it to anyone at AMS for 09:52:27

5 the purpose of AMS coordinating this group of 20 people for 09:52:33

6 the interviews? 09:52:40

7 MR. ILLOVSKY: Objection to form. 09:52:40

8 A. Well, just so that -- I don't want to make -- I 09:52:43

9 want to make things clear that there are, of course, papers 09:52:48

10 that I've written, and, you know, most of them are required 09:52:51

11 to read these. Beyond those papers, and that's just in 09:52:54

12 general methodology, there is nothing specific to this case 09:52:58

13 that was -- that I gave them that was written. 09:53:03

14 Q. You told them to follow standard procedures; 09:53:05

15 correct? 09:53:08

16 A. Yes, I did. 09:53:09

17 Q. You told them to conduct interviews that you could 09:53:10

18 use to form -- to write a questionnaire; correct? 09:53:14

19 A. Yes. 09:53:21

20 Q. And you expected that they followed your 09:53:22

21 direction; correct? 09:53:27

22 A. Yes. I mean I've worked with them many times, 09:53:30

23 and, yes, I -- I am confident that they followed my 09:53:33

24 directions. 09:53:39

25 Q. That's based on past experience; correct? 09:53:41

1 citizen check on them. 09:58:17

2 Q. Okay. Did you -- did you ask -- do you know -- do 09:58:18

3 you know anything about the employment status of any of 09:58:24

4 these people? Like are they unemployed or employed, do you 09:58:26

5 know that? 09:58:31

6 A. What we know is that they own smartphones or that 09:58:31

7 they own tablets. We know that they're -- you know, cover 09:58:34

8 a broad set of demographic characteristics or sufficiently 09:58:38

9 broad so that they form background. 09:58:48

10 Again, it's not a study in and of itself; it's 09:58:52

11 just information I'm using to design a study. And I'm 09:58:55

12 following qualitative guidelines. And the qualitative 09:58:58

13 guidelines, I don't think you're going to find that says 09:59:02

14 you have to have a particular set matching up -- a 09:59:04

15 particular set of demographics that will match up to that. 09:59:09

16 What you want to do is you want to hear what people have to 09:59:12

17 say. You're essentially trying to sample the words and 09:59:15

18 phrases that people use. 09:59:18

19 Q. Well, so, for example, if everyone in the sample 09:59:19

20 was from Boston and everyone made over \$100,000 a year, and 09:59:24

21 everyone was white, would that be a good -- would that be a 09:59:30

22 good sample for your qualitative interviews? 09:59:36

23 MR. ILLOVSKY: Objection to form. 09:59:39

24 Incomplete hypothetical. 09:59:41

25 A. Yeah. It's -- I mean you're forming a 09:59:43

1 hypothetical that's not true, for one thing. But let me 09:59:46
2 answer that. And if this were a study, and it's not, if 09:59:51
3 this were a study that I was going to try and project from, 10:00:00
4 then I might be worried about that. Now, what's sort of 10:00:04
5 interesting and why I'm hesitating is because if it turns 10:00:11
6 out that any set of characteristics are not correlated with 10:00:18
7 the variable of interest, then in fact you can project from 10:00:21
8 that. But, of course, I wouldn't know that ahead of time. 10:00:24
9 Q. Do you know which smartphones and tablets were 10:00:30
10 represented in this group of 20? 10:00:33
11 A. Again, we're trying to get words and phrases. No, 10:00:36
12 I do not. 10:00:39
13 Q. Okay. 10:00:40
14 A. Well, yes, I do. They're Samsung smartphones and 10:00:41
15 tablets. 10:00:44
16 Q. Do you know which models? 10:00:44
17 A. I am trying to remember, and I can probably check 10:00:47
18 on that, whether or not we tried to be rich in the actual 10:00:49
19 smartphones and tablets that are at issue in this case. 10:00:55
20 Again, it's just background, it's qualitative background 10:01:01
21 that I'm using to design -- that's going to help me design 10:01:05
22 the study. 10:01:07
23 Q. And do you know how ownership -- do you know if 10:01:08
24 ownership of a Samsung smartphone or tablet was checked for 10:01:12
25 this group of 20? Did they bring the devices with them to 10:01:18

1 these qualitative interviews? 10:01:22

2 MR. ILLOVSKY: Objection to form. 10:01:25

3 Compound. 10:01:25

4 A. Can you ask it as two separate questions? 10:01:28

5 Q. Do you know whether these 20 people brought their 10:01:33

6 device to these qualitative interviews? 10:01:36

7 A. I do not know whether or not they brought the 10:01:39

8 device to the qualitative interviews. 10:01:41

9 Q. Do you know if the ownership of a Samsung 10:01:43

10 smartphone or tablet was verified? 10:01:47

11 A. Well, do you mean -- you mean when I came in here, 10:01:53

12 they asked for my license; did we ask to see it? No, we 10:01:56

13 didn't ask to see it. 10:02:00

14 Q. So they -- they told Bernett that they owned one? 10:02:01

15 A. Well, they told Bernett, but given the set of 10:02:06

16 qualitative interviews and given that the interviewers from 10:02:10

17 Applied Marketing Science are asking people about their 10:02:15

18 smartphones, and they're Samsung, and these are Samsung 10:02:18

19 issues, Samsung smartphones and tablets, that question 10:02:22

20 wouldn't actually come up during the qualitative interview. 10:02:27

21 So it's highly likely that, you know, unless they 10:02:31

22 specifically lied to us, which is doubtful, that they did 10:02:35

23 in fact own Samsung smartphones or tablets. 10:02:39

24 Q. Were these people compensated for these 10:02:43

25 interviews? 10:02:45

1 which one to use at which point. 10:07:32

2 A random sample, which is an equal probability of 10:07:34

3 selection sample, says that anybody in the population has 10:07:37

4 an equal probability of being in the sample. It's a gold 10:07:40

5 standard to which no particular method that we know of can 10:07:43

6 attain. Internet comes about as close as we can get. 10:07:48

7 So what we look for is a representative sample, 10:07:53

8 and a representative sample is that if I have these people, 10:07:57

9 they will act, when I ask them questions, those questions 10:08:01

10 will represent what the target population would say. So 10:08:07

11 they would act as a surrogate for the target population. 10:08:11

12 And in the two studies that I do, I have representative 10:08:14

13 samples. 10:08:18

14 Now, in a qualitative study, a qualitative study 10:08:19

15 is really best thought of as deep background. It's not a 10:08:23

16 study in and of itself, as used in this report, and it's 10:08:27

17 providing input to the design of the questionnaire. So as 10:08:33

18 a result, what I'm trying to do is have people who are 10:08:40

19 Samsung smartphone or tablet users, it does not have to be 10:08:44

20 randomly distributed across any demographic characteristic, 10:08:49

21 as long as, in some sense, they help me understand words 10:08:53

22 and phrases that's going to be helpful. 10:08:58

23 If I were trying to project from the qualitative 10:09:00

24 sample, which I'm not, then I might want it to be either 10:09:03

25 representative or random. But I'm appropriately using the 10:09:06

1 qualitative sample. 10:09:09

2 Q. Okay. You mentioned -- you mentioned the phrase 10:09:11

3 "target population." What is your target population here? 10:09:15

4 A. For which study? 10:09:19

5 Q. For the smartphone study. 10:09:20

6 A. So we're now talking about the quantitative 10:09:23

7 questionnaire. 10:09:27

8 Q. Well, you -- you used the phrase. I'm just -- I 10:09:27

9 need to understand how you meant it in what you just said. 10:09:29

10 A. Well, I think my report's very clear. I did two 10:09:34

11 studies. One was a -- basically a conjoint study for 10:09:37

12 smartphones, and the other was a conjoint study for 10:09:40

13 tablets. I then described some other things I did to make 10:09:43

14 sure that I was confident in those studies. And are we 10:09:48

15 switching gears now and we're talking about the conjoint 10:09:51

16 study for smartphones? 10:09:54

17 Q. Well, I just need to -- I just need to know how 10:09:55

18 you are defining that term, "target population," because 10:09:59

19 you used it in your last answer. 10:10:02

20 A. Well, the target population is -- for the conjoint 10:10:05

21 study are consumers or people who, I guess "own" is the 10:10:10

22 characteristic we use, Samsung smartphones that are at 10:10:17

23 issue in this case. 10:10:23

24 Q. And what about the tablets? 10:10:30

25 A. The tablet study, the conjoint study, the target 10:10:34

1 population are -- is people who own Samsung tablets that 10:10:38
2 are at issue in this case. 10:10:42
3 Q. So that the people at AMS, they're the ones who 10:10:55
4 conducted these interviews; correct? 10:11:02
5 A. Yes, that's correct. 10:11:04
6 Q. And do you know who at AMS conducted these 10:11:05
7 interviews? 10:11:08
8 A. Yes, I do. 10:11:08
9 Q. Can you tell me their names? 10:11:09
10 A. The people who conducted the qualitative 10:11:12
11 interviews, that's the ones we're talking about now? 10:11:16
12 Q. Correct. 10:11:18
13 A. Okay. And I've already provided the spelling to 10:11:19
14 the court reporter, Elizabeth -- she just got married, so I 10:11:22
15 may not pronounce her name right -- Valaquez. And then the 10:11:29
16 other one was Patty Yanes. 10:11:35
17 Q. Do you know how to spell that last name? 10:11:41
18 A. Yes, I do. It is Y-a-n-e-s. 10:11:43
19 Q. And did Elizabeth Valaquez and Patty Yanes, did 10:11:59
20 they know that this survey -- these interviews were being 10:12:04
21 undertaken to support a report that you were going to 10:12:10
22 submit on behalf of Apple in this litigation? 10:12:13
23 A. This is qualitative background information. It's 10:12:16
24 possible they knew. I -- I don't recall. Again, it's -- 10:12:20
25 this is really just information I'm using in the background 10:12:25

1 to help design a survey. 10:12:27

2 Q. Did you tell them that it was -- it was to support 10:12:29

3 a report you were going to submit on behalf of Apple? 10:12:33

4 A. I do not recall telling them. 10:12:36

5 Q. What's -- what would be the standard procedure? 10:12:38

6 A. For qualitative interviews, it could go either 10:12:43

7 way. There's no -- again, it's not relevant, because we're 10:12:47

8 really just trying to design a survey and understand what's 10:12:52

9 going on. It's not a study in and of itself. 10:12:55

10 Q. And do you know -- do you know, did they tell the 10:13:02

11 20 people in the qualitative interviews, did the people 10:13:07

12 from AMS tell the interviewees that this was to support a 10:13:11

13 report in litigation? 10:13:17

14 A. I'm confident that they did not, but, again, 10:13:23

15 that's a standard procedure. 10:13:27

16 Q. But you don't know if they -- you don't know 10:13:28

17 whether they did or not; right? 10:13:29

18 A. I would be surprised if they did. 10:13:30

19 Q. And what do you know about the -- the background 10:13:37

20 of Elizabeth Valaquez? 10:13:38

21 A. Well, I know that, again, they've gone through AMS 10:13:42

22 training, that I've spoken to them a number of times; 10:13:46

23 they're well aware; they're good qualitative interviewers. 10:13:50

24 The qualification for qualitative interviewer is really 10:13:56

25 someone who can speak and can listen very carefully. And 10:14:00

1 none of those things. 10:44:10

2 Q. Yeah. I was asking about any sort of prior 10:44:11

3 experience that she may have had dealing specifically with 10:44:14

4 either smartphones or tablets. Prior to her undertaking 10:44:17

5 this project, do you know whether she had any specific 10:44:22

6 training in smartphones or tablets? 10:44:25

7 A. Do you mean did she get a course in smartphone -- 10:44:29

8 Q. Well, has she ever researched smartphone 10:44:32

9 customers, tablet customers? Had she done any of that 10:44:35

10 background work prior to this project? Do you know? 10:44:38

11 MR. ILLOVSKY: Objection. Asked and 10:44:45

12 answered. 10:44:46

13 A. I don't know for sure. 10:44:47

14 Q. Okay. And is that the same -- would your answer 10:44:48

15 be the same as to Ms. Yanes? 10:44:51

16 A. I don't know for sure. 10:44:57

17 Q. Okay. And did you deal directly with Ms. Valaquez 10:44:58

18 on this project? 10:45:11

19 A. Well, did I speak to them, yes. 10:45:16

20 Q. Okay. Do you remember about how often you spoke 10:45:18

21 to Ms. Valaquez about this project? Was it daily? 10:45:24

22 A. Daily? It certainly wasn't daily. 10:45:30

23 Q. Okay. Do you remember about how many 10:45:33

24 conversations you had with her about this project? 10:45:33

25 A. No. 10:45:36

1 Q. Is it more than 50? 10:45:37
2 A. No, it wasn't more than 50. 10:45:41
3 Q. Was it fewer than ten? 10:45:42
4 A. You know, it's the ballpark of that, maybe. 10:45:46
5 Q. Okay. 10:45:50
6 A. But, again, bright lines, more than ten, less than
7 ten, that's a hard answer for me to give. 10:45:53
8 Q. Okay. And were these telephone conversations? 10:45:56
9 A. Yes, they were telephone. 10:45:59
10 Q. They were all telephone conversations? 10:46:00
11 A. Oh, I'm trying to remember. I do remember some of
12 the AMS people coming to my office once, but I don't
13 remember whether Elizabeth or Patty were -- were involved
14 in that visit. 10:46:30
15 Q. Was that visit about this case? 10:46:31
16 A. Yes. 10:46:33
17 Q. Okay. So you -- you don't know if -- you don't
18 know if that was about the in-depth interviews; right? It
19 could have been about the pretest; it could have been about
20 the study? 10:46:49
21 MR. ILLOVSKY: Objection to form. 10:46:50
22 A. The visit was as part of the design of the
23 questionnaire. 10:46:56
24 Q. Do you remember anything specifically that you
25 discussed with Ms. Valaquez in these conversations that you 10:47:10

1 had with her? 10:47:14

2 A. Well, we discussed what she's learning, how people 10:47:17

3 describe smartphones, and, you know, as developing the 10:47:24

4 questionnaire, are these features the type of features that 10:47:35

5 people can understand the phrasing of; are they the type of 10:47:39

6 features that people mentioned as being important, or at 10:47:42

7 least, you know, part of their overall decision making. 10:47:45

8 Q. So did she ever -- did she ever write you a memo 10:47:58

9 or any other -- did she put this ever down like in an 10:48:01

10 e-mail or some sort of document that she sent you? 10:48:06

11 MR. ILLOVSKY: Objection to form. 10:48:12

12 Compound. 10:48:13

13 Q. Did she ever do it that way? 10:48:13

14 A. Not that I recall. 10:48:15

15 Q. Okay. So all your communications with her about 10:48:16

16 the in-depth interviews, they were oral? 10:48:20

17 A. To the best of my recollection, they were oral. 10:48:22

18 Q. Okay. And would that be the same for Patty Yanes? 10:48:24

19 A. Yes, that would be correct. 10:48:29

20 I'm -- as you know, I have a cold. I was 10:48:32

21 wondering if at some point we could have a break. 10:48:34

22 MR. GALVIN: We can take a break 10:48:37

23 right now if you want. 10:48:38

24 THE WITNESS: Okay. 10:48:39

25 THE VIDEOGRAPHER: Going off the 10:48:39

1 record. The time is 10:48. 10:48:40
2 (Recess.) 10:48:42
3 THE VIDEOGRAPHER: We're back on the 10:57:35
4 record. The time is 10:57. 10:58:04
5 BY MR. GALVIN: 10:58:07
6 Q. Dr. Hauser, earlier you mentioned that a firm 10:58:10
7 called Bennett selected the 20 people for the in-depth 10:58:13
8 interviews; correct? 10:58:18
9 A. Well, I mean they provide a sample, and AMS then 10:58:22
10 selected them. 10:58:26
11 Q. They -- they provided -- so did they provide -- 10:58:26
12 did they offer AMS a pool larger than 20, and then AMS 10:58:30
13 selected 20 from that larger pool? 10:58:36
14 A. I don't recall. But they -- chances are they 10:58:38
15 would provide names, and AMS would then call. And, you 10:58:43
16 know, you can't always reach everybody. So it would be a 10:58:47
17 broader set of names. 10:58:50
18 Q. Okay. So would it be standard to just then select 10:58:51
19 the 20 people, the first 20 people that AMS was able to 10:59:02
20 reach? 10:59:07
21 MR. ILLOVSKY: Objection to form, 10:59:08
22 vague. 10:59:09
23 A. Well, this is a set of people who are smartphone 10:59:10
24 users that Bennett has either pre-recruited or part of 10:59:13
25 their panel, and AMS is trying to do qualitative 10:59:20

1 time they were reasonably complete. 11:20:31

2 But we began to discover that we wanted a better 11:20:35

3 way. And so we looked into a lot of different methods. We 11:20:39

4 looked into procedures where you say these two are most 11:20:44

5 similar; this is -- which one of the three things, which is 11:20:49

6 dissimilar. We looked into open-ended interviews. We 11:20:54

7 looked into a lot of different ways of getting this 11:20:57

8 information. 11:21:00

9 And, I remember, she's now a chaired professor at 11:21:01

10 Utah, Professor Abbie Griffin and I basically undertook a 11:21:09

11 study, and also Steve Gaskin, who's at Applied Marketing 11:21:14

12 Science now, another one of my students, we -- we tried a 11:21:19

13 number of different methods. And I don't want to bore you 11:21:22

14 with all the various methods. But the ones we found most 11:21:26

15 useful were the open-ended, qualitative, voice of the 11:21:29

16 customers type interviews. And we were somewhat surprised 11:21:34

17 at the time that 10 to 20 were sufficient. And we 11:21:39

18 published this. And, you know, a lot of mathematics along 11:21:42

19 with it. And we've been using it ever since. 11:21:46

20 And, of course, over time, you know, as we train 11:21:48

21 people at AMS, they get very good at asking the questions. 11:21:51

22 But I found that by doing open-ended interviews, it really 11:21:55

23 helps me design a good conjoint analysis questionnaire. It 11:22:00

24 also helps me design perceptual mapping questionnaires; it 11:22:03

25 helps me design other questionnaires. I -- I would tend 11:22:08

1 probably not to do a market research study unless I had, 11:22:10
2 you know, previous -- was just repeating a questionnaire 11:22:16
3 without qualitative interviews, but there are other 11:22:19
4 researchers who have other ways of finding out information 11:22:21
5 that will help them write a questionnaire. 11:22:25

6 Q. Do you know if -- do you know whether Ms. Valaquez 11:22:32
7 took notes during these interviews? 11:22:38

8 A. I don't think she did. It's -- it's very 11:22:42
9 interesting, and, again, we tried this. It's not that 11:22:47
10 it's -- it's not without some thought. If I take notes, 11:22:50
11 and I see you're taking notes as I'm -- as you're talking 11:22:58
12 to me, although right now you're staring at me, and, you 11:23:02
13 know, you're trying to listen to every word I say and take 11:23:06
14 it in. We want the interviewers to be able to listen very 11:23:09
15 carefully to consumers. If they're taking notes, this 11:23:14
16 distracts them. It also somehow stops the rapport. And we 11:23:18
17 want this to be a conversation back and forth. 11:23:24

18 So we want the interviewers to really concentrate 11:23:26
19 on the interviewee and probe back and forth. They're 11:23:30
20 trying to get to the point where they understand what's 11:23:35
21 going on. They pass that along to me. That helps me make 11:23:38
22 the decisions for the questionnaire. It's -- as I've said 11:23:43
23 earlier, it's neither necessary nor sufficient. It's 11:23:48
24 another input into the design of the questionnaire. 11:23:52

25 Q. Okay. So you've mentioned that they passed it 11:23:57

1 along. They -- do you have any idea, after they completed 11:24:01
2 the interview -- let's just take -- let's just take the 11:24:07
3 very first interview that Ms. Valaquez conducted, the first 11:24:11
4 in-depth interview she conducted. 11:24:18
5 A. Okay. 11:24:19
6 Q. Do you have any understanding as to how much time 11:24:20
7 passed from when that interview concluded until when Ms. 11:24:22
8 Valaquez told you about that first in-depth interview? 11:24:27
9 A. Well, you're creating something -- the way you've 11:24:34
10 described it is not how it happened. 11:24:40
11 Q. Okay. Tell me, you can -- 11:24:41
12 A. So the way you've described it, you said, "Here's 11:24:43
13 an interview," she tells me everything about the interview. 11:24:46
14 No. I think I've made it pretty clear throughout this 11:24:48
15 whole process that it's -- these interviews build upon one 11:24:53
16 another. And during this process, you know, they're trying 11:24:58
17 to get this deep understanding, and then they brief me. 11:25:02
18 Q. At the end of all of the 20 interviews? 11:25:05
19 A. At the end of the -- well, if I'm unhappy with the 11:25:08
20 briefing, I'll have them go do more, of course. But -- but 11:25:11
21 I was happy at this point, and I felt that they -- they 11:25:15
22 gave me a sufficient number of attributes that seemed to 11:25:18
23 make sense; they had good face validity; they checked out 11:25:21
24 with respect to websites. You know, all the things that go 11:25:25
25 into having this distraction attributes into the conjoint 11:25:27

1 analysis. 11:25:32

2 So they served their purpose, I was very 11:25:32

3 comfortable with their purpose, and I think the 11:25:34

4 interviews -- the qualitative interviews were one of the 11:25:37

5 many inputs to designing that questionnaire. 11:25:42

6 Q. Okay. I think you mentioned earlier that it's 11:25:45

7 your understanding that the qualitative interviews occurred 11:25:47

8 over a span of two weeks; correct? 11:25:51

9 A. I -- I think what I said, and I'm not sure, you 11:25:54

10 know. I -- I don't know exactly how long, the ballpark of 11:25:57

11 two weeks. But I -- I don't know. 11:26:04

12 Q. Okay. Why did you say two weeks, or how is 11:26:05

13 that -- why did you -- why did you say two weeks? What -- 11:26:09

14 what's the basis of that understanding? 11:26:12

15 A. That's roughly how long it takes to do 20 11:26:16

16 interviews. 11:26:18

17 Q. Do you know whether after -- after an interview 11:26:19

18 was conducted, the interviewer made notes for themselves 11:26:26

19 about what happened in that particular interview? 11:26:34

20 A. I don't know for sure. I'd be surprised if they 11:26:41

21 did, but I don't know for sure. 11:26:43

22 Q. Why would -- why would that surprise you? 11:26:49

23 A. Well, what the interviewer is trying to do is, you 11:26:52

24 know, they're trying to build this -- this understanding; 11:26:55

25 and, you know, at some point they're going to come and say, 11:26:58

1 "Okay, here are a set of features, Dr. Hauser." And, you 11:27:01
2 know, I'll start writing them down, and, you know, with 11:27:09
3 some help, obviously, I listen to them, they're 11:27:11
4 professionals, and then we'll try to create some levels 11:27:14
5 that make sense. And, of course, you know, my own 11:27:17
6 expertise in kind of knowing how to write questions, also, 11:27:22
7 you know, looking at the Internet and seeing what else is 11:27:26
8 out there. All these things go into that design. 11:27:30
9 Ultimately I do a study. And the study stands on 11:27:32
10 its own. And I think probably the best way to think about 11:27:38
11 it is if I wrote down attributes that were poorly phrased, 11:27:42
12 then we would pick it up in the pretest. And that would 11:27:47
13 just waste time and money. So I don't want to do that. I 11:27:51
14 want to get that -- that right. Also, if I wrote down 11:27:55
15 attributes that were unimportant, then we would pick that 11:27:58
16 up in the conjoint analysis. 11:28:01
17 So the study -- again, some people, conjoint 11:28:03
18 analysis, just write down the attributes, and then they 11:28:09
19 rely on the pretests and the conjoint analysis itself to 11:28:12
20 pick up these things. That's not the way I like to do it. 11:28:16
21 I like to start by having an understanding of the market, 11:28:19
22 or at least an understanding of the words and phrases of 11:28:22
23 the consumers in the market. 11:28:27
24 Q. So let's -- let's -- let's assume that you're 11:28:31
25 right, that the in-depth interview process took two weeks. 11:28:33

1 the prior testimony. 11:35:10

2 A. Okay. The qualitative interviews helped me design 11:35:12

3 the studies that I -- I did. They were neither necessary 11:35:16

4 nor sufficient. They were background that helped me write 11:35:20

5 a survey. 11:35:23

6 Q. So, in that sense, aren't they involved in your 11:35:24

7 study? 11:35:29

8 MR. ILLOVSKY: Objection to form. 11:35:30

9 Argumentative, vague. 11:35:32

10 A. Yeah. You -- I mean, again, let's -- let's be 11:35:34

11 very clear what we have. We have some things that were 11:35:36

12 done that were background, and then we have a study. Okay. 11:35:39

13 The study is 100 percent reproducible. You've been 11:35:42

14 providing -- provided all the materials. The study is the 11:35:46

15 Internet study. And that's what you can work -- work from. 11:35:50

16 You can -- you can pretest it yourself. You can analyze 11:35:57

17 our data. You know, you can have new respondents respond 11:36:01

18 to it. So it's entirely testable. And I understand that, 11:36:04

19 I've been certainly instructed -- I've given instructions 11:36:11

20 that everything related to the study has been provided. 11:36:13

21 Now, there were things, information, you know, 11:36:17

22 that helped me write the study, write the questionnaire, 11:36:19

23 and that's background. And, yeah, that's -- you know, I've 11:36:23

24 described those to you. 11:36:27

25 Q. So isn't it -- isn't it fair to say that one of 11:36:36

1 the steps in this particular study involved interviews? 11:36:39

2 A. There were -- 11:36:47

3 MR. ILLOVSKY: Well, wait a minute. 11:36:48

4 Objection to form. Vague. 11:36:49

5 Go ahead. 11:36:51

6 A. Okay. There were 455 conjoint analysis interviews 11:36:52

7 for the smartphone, and there were 415 conjoint analysis 11:37:00

8 interviews for the tablet study. So, yes, there were 11:37:04

9 interviews. 11:37:09

10 Q. And what about the -- and weren't there 20 11:37:09

11 qualitative interviews and 20 pretest interviews? 11:37:12

12 A. There were 20 qualitative interviews that were 11:37:16

13 part of helping me design the study, and there were 20 11:37:22

14 pretest interviews to help me decide that the study in fact 11:37:25

15 was legible, but they're not the study per se. 11:37:29

16 Q. It's not the study per se, but the interviews -- 11:37:44

17 the interviews, those were -- weren't those part of the -- 11:37:50

18 weren't those part of the survey because they formed the 11:37:56

19 basis of the survey? 11:37:58

20 MR. ILLOVSKY: Objection to form. 11:38:01

21 It's argumentative, mischaracterizes the 11:38:03

22 prior testimony. 11:38:05

23 A. They were neither necessary nor sufficient. They 11:38:11

24 helped me design the study. They are not -- 11:38:14

25 MR. ILLOVSKY: Is that the study or 11:38:17

1 A. Oh, God, I'm trying to remember this. I'm trying 14:33:45
2 to remember whether it's within the 16, within the 4, or 14:33:51
3 within the total. I'd have to go look that up again to be 14:33:55
4 sure. 14:33:59
5 Q. Okay. 14:34:00
6 A. But basically what we're trying to do is you can 14:34:02
7 see the opposite, that if I had, say, a particular level 14:34:06
8 appearing with another features level a lot, that could 14:34:11
9 make my design inefficient, or if I had the levels not 14:34:17
10 balanced essentially across people and across attributes, 14:34:22
11 that also could lead to inefficiencies. 14:34:26
12 So there's an algorithm -- again, I can look up 14:34:30
13 the details of it -- that tells me how to level balance it. 14:34:33
14 And I think we've -- someplace in here, we've given the 14:34:38
15 Sawtooth CVC technical paper reference, and you can just 14:34:41
16 look it up yourself as well. But I'm trying to remember 14:34:47
17 the details of what level balancing does. 14:34:49
18 I can say, though, that we did post-test the 14:34:52
19 design, and the design is 100 percent efficient. So it 14:34:55
20 worked. 14:35:01
21 Q. Within each -- for each respondent, do you know 14:35:10
22 how many -- how many -- were all 64 hypothetical products 14:35:14
23 they were shown, were those all different? 14:35:21
24 A. No, no, no. They're randomly chosen, right, 14:35:26
25 subject to these criterion -- criteria. 14:35:29

1 Q. So do you know how many different hypothetical 14:35:32
2 products a respondent saw? 14:35:35
3 A. No. But we can get that from the data. 14:35:39
4 Q. They -- they were generated randomly for -- for 14:35:44
5 each respondent? 14:35:47
6 A. Each time we hit a choice task subject to these 14:35:49
7 criterion -- criteria, they in fact are randomly generated, 14:35:52
8 yes. 14:35:57
9 Q. Okay. So we did, what was that, we came up with 14:35:57
10 that number of like 4,000 or something -- 14:36:05
11 A. Well, that's the total number of possible -- 14:36:07
12 Q. Configurations? 14:36:14
13 A. -- configurations, right. That's just taking 4 to 14:36:15
14 the 7th, which is 2 to the 14th. 14:36:21
15 Q. Okay. So that the standard method of -- of level 14:36:26
16 balancing, that's contained within the Sawtooth software; 14:36:29
17 is that what you said? 14:36:32
18 A. Yes, it is. 14:36:33
19 Q. Okay. All right. Let's now go on to pretesting, 14:36:35
20 and you talk about that starting at paragraph 42 of your 14:36:40
21 report, which is on page 23. 14:36:43
22 A. Yes. 14:36:51
23 Q. So how do pretests -- you say that you removed or 14:36:51
24 minimized pretest help to assess the potential for and 14:36:55
25 remove or minimize demand artifacts and to ensure that all 14:37:02

1 survey questions were understood as intended. So how do 14:37:06
2 pretests reduce demand artifacts? 14:37:10
3 A. Well, if we identify them and we rephrase so that 14:37:13
4 they're not there. 14:37:18
5 Q. And how do you identify them? 14:37:21
6 A. Well, as the -- these are -- these are serious 14:37:25
7 pretests. When -- as the interviewer is going through, 14:37:30
8 they will ask at the end of completing the survey questions 14:37:33
9 such as "What was the purpose of the survey?" You know, 14:37:36
10 "Did the survey indicate to you that you should answer one 14:37:41
11 way or the other?" It depends upon the actual interviewer, 14:37:48
12 but we -- we want -- people naturally are going to say, 14:37:51
13 "Yes, this feature was about making choices among 14:37:54
14 smartphones," or it might say that, you know, "You varied a 14:37:58
15 number of features, and you made me make a choice." They 14:38:03
16 may be even smart enough to say, "You want to figure out 14:38:06
17 how much I want to pay for these features." That's rare, 14:38:09
18 but they may do that. 14:38:13
19 What we don't want is we don't want them to 14:38:15
20 realize that we're focusing on the touchscreen feature. We 14:38:18
21 don't want them to say, "Oh, this is for litigation." We 14:38:21
22 don't want them to say, "Oh, this is being done to get a 14:38:23
23 high number" or a low number or whatever. And as long as 14:38:31
24 they sort of say a general statement, because, you know, 14:38:36
25 they are -- they are smart people, by and large, you know, 14:38:38

1 that's okay. 14:38:43

2 But if there is a demand artifact there, then I'll 14:38:44

3 go back, and I'll rewrite the survey in such a way that we 14:38:48

4 get rid of that demand artifact. And, you know, then we'd 14:38:52

5 have to do some more pretests where we continue on. We 14:38:57

6 didn't see any demand artifacts, but we did do a demand 14:39:01

7 artifact test, and we did it explicitly. 14:39:04

8 Q. The -- you know, the website printouts that we 14:39:08

9 looked at, they didn't -- none of them, you know, mentioned 14:39:11

10 touchscreen reliability. So do you think it's possible 14:39:16

11 that by asking them about touchscreen reliability, you 14:39:19

12 focussed them on that feature? 14:39:22

13 A. This definitely is something that the pretests are 14:39:24

14 looking for. If they said, "Now, this is about touchscreen 14:39:28

15 reliability," we would have said, "Okay, we need to 14:39:32

16 disguise it further," and that did not come up. 14:39:35

17 Q. That didn't come up in any of the 20 people that 14:39:37

18 you talked to? 14:39:40

19 A. That's right. 14:39:42

20 Q. Okay. Who -- where did you get these 20 people? 14:39:44

21 A. It's also from Bernett. 14:39:48

22 Q. These aren't the same people? 14:39:50

23 A. Of course not. 14:39:52

24 Q. And as with the -- the 20 people that Bernett got 14:39:55

25 to -- got for AMS to interview in the -- the in-depth 14:40:03

1 interview, the qualitative portion, do you know anything 14:40:10
2 about the demographics of these 20 people? 14:40:15
3 A. Okay. Are we going to spend another two hours on 14:40:18
4 this? These are a set of, again, qualitative pretests. No 14:40:21
5 one, if they understand survey research, would expect the 14:40:30
6 pretest to be matching up to any vector of demographics. 14:40:33
7 That would be incorrect and would -- would suggest a 14:40:36
8 person's not an expert. In fact, what you want to do is 14:40:39
9 you want to have some women, some men, some old, some 14:40:44
10 young, you know, basically to seeing how human beings react 14:40:49
11 to the survey, and that's what we did. So pretty much all 14:40:54
12 the answers I gave this morning for qualitative interviews 14:40:58
13 apply to the pretests. 14:41:01
14 Q. So are -- what -- what -- what population are 14:41:03
15 these 20 people representative of? 14:41:07
16 A. In general, human beings. But they are definitely 14:41:14
17 Samsung smartphone -- English speakers, English speaking. 14:41:19
18 In general they are smartphone -- Samsung smartphone or 14:41:27
19 Samsung tablet users. 14:41:30
20 Q. You know that for sure? 14:41:39
21 A. That was to be the recruit, yeah. 14:41:41
22 Q. And did you -- did you have -- did you direct 14:41:46
23 Bennett personally in the selection of the 20 people to 14:41:51
24 participate in the pretest? 14:41:56
25 A. Well, I think all the answers I gave this morning 14:42:00

1 But, you know, there's only one survey that I used to 15:24:57
2 collect data, and that's the survey in the end. So it's 15:25:01
3 not as if we are collecting data, analyzing data, changing 15:25:05
4 the data, in -- in a way that will favor one party or the 15:25:10
5 other. We're just not doing that. We were just worried at 15:25:14
6 this point as to whether or not the questions are 15:25:17
7 understandable. 15:25:19

8 Q. Okay. And after -- after, you said, about two 15:25:24
9 weeks and, you know, multiple changes, you were satisfied 15:25:29
10 that the -- the questionnaire was easy to understand; 15:25:34
11 right? 15:25:34

12 A. This is what was reported to me, that people now 15:25:38
13 understand the question well, they're not picking up any 15:25:42
14 demand artifacts, and they're actually asking, doing probes 15:25:46
15 for them, that respondents can answer the question. And so 15:25:48
16 now -- now we start the study. Everything up to this point 15:25:52
17 has been designing the study. And now I, let's say, pull 15:25:57
18 the trigger on the study, and now we're actually going to 15:26:02
19 start collecting data. 15:26:05

20 It better have been right at that point. And it 15:26:09
21 was right. We got very high completion rates. They're in 15:26:12
22 the high 90s or at least mid to high 90s. So people 15:26:19
23 completed the survey once they started it. We've good 15:26:24
24 internal validity. So this process worked. We got a 15:26:27
25 good -- we were able to field a study. It's the study 15:26:32

1 that's important. The stuff before that is just the means 15:26:35
2 by which the study was designed. 15:26:37

3 Q. Okay. Let's talk about the -- let's talk about 15:26:39
4 the sample, and that's beginning in paragraph number 48 in 15:26:43
5 what's been marked as Exhibit 1. One characteristic of the 15:26:48
6 sample was a willingness to participate in research 15:26:56
7 surveys; right? 15:27:02

8 A. This is a panel, correct. 15:27:05

9 Q. So is there any bias associated with willingness 15:27:08
10 to participate in surveys? 15:27:12

11 A. You know, we've been -- I remember basically when 15:27:14
12 I was research director at NSF Center, we were -- we were 15:27:21
13 worried about this early on, that suddenly the modality of 15:27:28
14 the Internet was coming in, a lot of product development 15:27:35
15 research was going to the internet, and it was fairly new, 15:27:38
16 and we did worry about it early on. And we did some 15:27:42
17 validity tests; they -- they seemed to be fine. 15:27:45

18 What's happened at this point in 2012 is these 15:27:48
19 Internet panels are very well managed, and it is true that 15:27:52
20 they are opt-in panels. And if you think about it, 15:27:59
21 absolutely every market research you do is opt-in. So, but 15:28:04
22 we don't have any evidence that the Internet panels, which 15:28:13
23 are opt-in panels, are causing any bias. And, to the 15:28:15
24 contrary, we've got some pretty good evidence that they 15:28:21
25 work well. 15:28:24

1 PLEASE ATTACH TO THE DEPOSITION OF JOHN HAUSER
2 CASE: APPLE INC. VS. SAMSUNG ELECTRONICS CO., LTD., ET AL
3 DATE TAKEN: APRIL 27, 2012

4 ERRATA SHEET

5 Please refer to Page 272 for Errata Sheet instructions and
6 distribution instructions.

7 PAGE LINE CHANGE REASON

8	_____	
9	_____	
10	_____	
11	_____	
12	_____	
13	_____	
14	_____	

15 I have read the foregoing transcript of my
16 deposition, and except for any corrections or changes noted
17 above, I hereby subscribe to the transcript as an accurate
18 record of the statements made by me.

19
20 Executed this _____ day of _____, 2012.

21
22 _____
23 JOHN HAUSER

24
25

1 COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

2
3 I, JAMES A. SCALLY, RMR, CRR, a Certified
4 Shorthand Reporter and Notary Public duly commissioned and
5 qualified in and for the Commonwealth of Massachusetts, do
6 hereby certify that there came before me on the 27th day of
7 April, 2012, at 9:31 a.m., the person hereinbefore named,
8 JOHN HAUSER, who provided satisfactory evidence of
9 identification as prescribed by Executive Order 455 (03-13)
10 issued by the Governor of the Commonwealth of
11 Massachusetts, was by me duly sworn to testify to the truth
12 and nothing but the truth of his knowledge concerning the
13 matters in controversy in this cause; that he was thereupon
14 examined upon his oath, and his examination reduced to
15 typewriting under my direction; and that this is a true
16 record of the testimony given by the witness to the best of
17 my ability.

18
19 I further certify that I am neither
20 attorney or counsel for, nor related to or employed by, any
21 of the parties to the action in which this deposition is
22 taken, and further, that I am not a relative or employee of
23 any attorney or counsel employed by the parties hereto or
24 financially interested in the action.

25 Dated: April 28th, 2012.

My Commission Expires: April 23, 2015

James A. Scally, RMR, CRR
CSR/Notary Public

1 Name of Case: *Apple Inc. v. Samsung Electronics Co., Ltd., et al.*, Case No. 11-cv-1846 LHK

2 Date of deposition: April 27, 2012

3 Name of witness: John Hauser

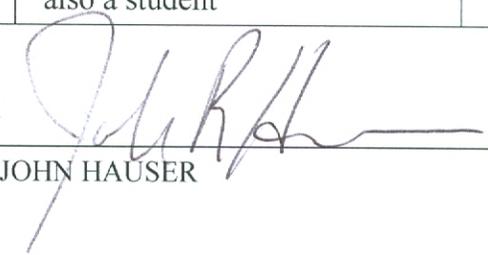
4 Reason Codes:

- 5 1. To clarify the record.
6 2. To conform to the facts.
7 3. To correct transcription errors.

Page	Line	Now Reads	Should Read	Reason	
8 13	20	"so essentially getting information on both."	"so talking to them you are essentially getting information on both."	1	
10 17	17	"to be in any match to the"	"to match the"	1	
11 23	13	"point I don't"	"point – I don't"	3	
12 24	13	"find that says"	"find guidelines that say"	1	
13 29	9–10	"drawn from the education."	"drawn based on education."	1	
14 30	22	"phrases that's"	"phrases – that's"	1	
15 31	22	"characteristic"	"characterization"	3	
16 34	15	"talk about actually break"	"actually talk about during breaks"	1	
17 43	3	"that it's not atypical"	"it's not atypical to ask"	1	
18 46	7	"qualitative"	"quantitative"	3	
19 56	3	"as developing"	"as we are developing"	1	
20 66	9	"are we"	"have we"	3	
21 70	8	"Internets"	"the Internet"	3	
22 71	16	"customers"	"customer"	3	
23 73	25	"this"	"these"	3	
24 80	20	"that...has been"	"for...to be"	1	
25 89	19	"a – them"	"respondents"	1	
26 91	23	"cancels an"	"cancels"	3	
27 93	19	"ATT"	"AT&T"	3	
28 97	6	"exemplars"	"examples"	3	
	102	16, 17	"importances"	"importance"	3
	105	11	"a footnote"	"the footnote"	3
	110	20	"responding"	"respondent"	3
	115	24	"ulcers, about"	"ulcers, 2, about"	1

1	120	16	"time and to"	"time to"	3
2	120	17	"answer the time"	"ahead of time"	1
3	135	12	"them, pretty much"	"them, we get pretty much"	1
4	135	17	"it – taking"	"it – paying"	3
5	141	9	"4,000"	"16,000"	2
6	141	12	"4096"	"16,384"	2
7	141	14	"4,096"	"16,384"	2
8	152	2	"directions"	"descriptions"	3
9	154	21	"HTMI"	"HDMI"	3
10	162	8	"features"	"feature's"	3
11	165	5	"where we"	"before we"	3
12	166	10	"to seeing"	"to see"	3
13	166	21	"was to be the"	"was required to be a"	1
14	169	19	"use the"	"use"	1
15	172	22	"testing the"	"testing over the"	1
16	177	8	"got somewhat"	"got a somewhat"	3
17	180	4	"you sort of animate"	"you animate"	1
18	185	23	"professional – if you had an interviewer to respondent"	"professional interviewers"	1
19	196	17	"age, no difference"	"age, re-weighting makes no difference"	1
20	212	22	"but I"	"but – I"	3
21	213	9	"complete"	"completed"	3
22	229	13	"are not tied"	"are tied"	3
23	232	19	"intuitous"	"intuitive"	3
24	233	6	"that's that"	"that's the"	3
25	248	3	"pays"	"pay figures"	1
26	248	17	"at as that changes price,"	"at, as price changes,"	1
27	250	16	"be to"	"be"	3
28	255	16	"convergent"	"robustness"	3
	256	24	"are"	"is"	3
	264	7	"variants"	"variables"	3
	266	13	"also student"	"also a student"	3

Dated: May 29, 2012


JOHN HAUSER