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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT COURT OF COLORADO

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VIDEO PROFESSOR, INC., a Colorado corporation,  
Plaintiff,  
vs.  
AMAZON, INC., a Delaware corporation,  
Defendant.

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) Case No.  
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) 09-cv-00636-  
) REM-KLM  
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DEPOSITION OF ERIC HERRMANN  
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY  
February 25, 2010  
Seattle, Washington

Reported by:  
Connie Recob, CCR, RMR, CRR, CLR  
CCR No. 2631  
Job No. 118936

1 Q. Okay. So these are retail sales including Amazon retail and  
2 third party sales where it says up at the top, Last retail  
3 sales were May of 2009? By "retail sales" there what do you  
4 mean?

5 A. I don't know what that title means.

6 Q. It must mean all sales on the website since there are all  
7 sales listed here?

8 A. Let me see. So that's an addendum that, apparently from  
9 looking at the numbers here, means that the last retail sales  
10 of Video Professor occurred in May of 2009.

11 Q. And "retail" meaning there Amazon retail?

12 A. Meaning Amazon retail.

13 Q. So this is a chart showing sales of Amazon -- or excuse me --  
14 sales of Video Professor products on Amazon from whatever it  
15 is, '04 to 2010, '03, 12/03, for the history of the  
16 relationship it looks like, huh?

17 A. That is my understanding, yes.

18 Q. All right. Let me show you what's been marked as Deposition  
19 Exhibit No. 5. What is this?

20 A. These are ad creative templates that were used for our Video  
21 Professor campaigns for each of the three North American  
22 search engines, Google, Yahoo and MSN.

23 Q. This is the ad creative for the three different search  
24 engines, is that what you said?

25 A. Yes.