Eight Mile Style, LLC et al. v. Apple Computer Inc., et al.
Case No. 2:07-CV-13164

EXHIBIT 22-B

Excerpts of transcript pages from the deposition of Todd Douglas taken on May 6, 2008

5005843.1

UNITED STATES DISTRICT

FOR THE EASTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

EIGHT MILE STYLE, LLC,   )
ET AL.,   )
)
           PLAINTIFFS,   ) CASE NO.
) 2:07-CV-13164
      VS.   )
)
APPLE COMPUTER, INC.,   )
)
        DEFENDANT.   )
_____)

DEPOSITION OF TODD DOUGLAS, TAKEN

ON BEHALF OF THE PLAINTIFFS, AT

10250 CONSTELLATION BOULEVARD, 19TH

FLOOR, LOS ANGELES, CALIFORNIA,

COMMENCING AT 3:02 P.M., TUESDAY,

MAY 6, 2008, BEFORE SAMANTHA

AVENAIM, CSR NUMBER 10627.

17:03:47	1	BY --
17:03:47	2	Q. IS YOUR BASIS FOR SAYING THAT
17:03:49	3	CONFERRING WITH ATTORNEYS AT UNIVERSAL?
17:03:52	4	A. I WOULD SAY IT'S A COMBINATION OF
17:04:02	5	MANY FACTORS, INCLUDING CONFERRING WITH ATTORNEYS
17:04:05	6	WITHIN UNIVERSAL.
17:04:06	7	Q. NAME ALL THE OTHER FACTORS.
17:04:08	8	A. I MEAN, ESSENTIALLY, THE QUESTION
17:04:20	9	THAT I'VE ASKED, THAT'S BEEN ANSWERED BEFORE BY AN
17:04:24	10	ATTORNEY WITHIN UNIVERSAL, SO...
17:04:31	11	Q. OKAY. DO YOU KNOW WHETHER IT'S THE
17:04:32	12	PRACTICE OF UNIVERSAL TO SEND OUT REQUESTS FOR
17:04:35	13	DIGITAL LICENSES EVEN IF THERE IS A
17:04:38	14	SELF-EFFECTUATING CONTROLLED COMPOSITION CLAUSE?
17:04:40	15	A. YES, I DO BELIEVE THAT WE DID DO
17:04:42	16	THAT.
17:04:42	17	Q. FOR ALL CASES?
17:04:44	18	A. I DON'T THINK THAT WAS DONE FOR ALL
17:04:46	19	CASES.
17:04:46	20	Q. OKAY. DO YOU KNOW WHY IT WAS DONE
17:04:47	21	IN THE CASES IT WAS DONE?
17:04:48	22	A. I DO NOT.
17:04:49	23	Q. WHO MADE THAT DECISION TO SEND THEM
17:04:51	24	OUT? WHO MADE THE DECISION TO SEND OUT REQUESTS
17:04:55	25	FOR PERMANENT DOWNLOAD LICENSES EVEN WHERE YOU HAD

17:04:57	1	A CONTROLLED COMPOSITION CLAUSE?
17:04:59	2	MR. POMERANTZ: ARE YOU TALKING
17:05:00	3	ABOUT SPECIFICALLY WITH RESPECT TO THE EMINEM
17:05:03	4	COMPOSITION OR JUST GENERALLY?
17:05:04	5	MR. BUSCH: JUST GENERALLY.
17:05:05	6	MR. POMERANTZ: OBJECTION;
17:05:05	7	COMPOUND.
17:05:06	8	BY MR. BUSCH:
17:05:06	9	Q. YOU SAID SOMETIMES IT'S DONE.
17:05:09	10	FIRST OF ALL, I WANT TO KNOW IN
17:05:10	11	WHAT CASES WAS IT DONE WHERE PERMANENT DOWNLOAD
17:05:10	12	LICENSES WERE SENT OUT, EVEN THOUGH YOU HAD WHAT
17:05:13	13	YOU BELIEVED WAS A SELF-EFFECTUATING CONTROLLED
17:05:16	14	COMPOSITION CLAUSE?
17:05:16	15	A. OKAY. I MEAN, LET'S -- LET ME SAY
17:05:19	16	THAT THAT WOULD ALSO BE THE CASE WITH PHYSICAL
17:05:22	17	PRODUCT. IT WOULDN'T JUST APPLY TO DIGITAL
17:05:26	18	DOWNLOADS. YOU KNOW, THIS IS A RELATIONSHIP
17:05:28	19	BUSINESS. SOME PEOPLE PREFER TO HAVE LICENSES.
17:05:34	20	MR. BUSCH: I MOVE TO STRIKE AS
17:05:35	21	NONRESPONSIVE.
17:05:37	22	BY MR. BUSCH:
17:05:37	23	Q. LISTEN TO MY QUESTION. IN WHAT
17:05:38	24	OTHER CASES HAVE YOU SENT OUT REQUESTS FOR
17:05:41	25	PERMANENT DOWNLOAD LICENSES WHERE YOU BELIEVED YOU

17:05:43   1   HAD A SELF-EFFECTUATING CONTROLLED COMPOSITION

17:05:47   2   CLAUSE?

17:05:47   3   MR. POMERANTZ: HIS MOTION TO

17:05:48   4   STRIKE IS JUST FOR THE RECORD. WHAT YOU SAID WILL

17:05:50   5   APPEAR ON THE TRANSCRIPT.

17:05:52   6   THE DEPONENT: IN MY SPECIFIC JOB

17:05:53   7   DUTY, WHERE I WOULD HAVE SENT OUT A LICENSE THAT

17:05:57   8   WOULD HAVE HAD BOTH PHYSICAL AND DIGITAL

17:06:02   9   CONFIGURATIONS, THERE WOULD HAVE BEEN MANY.

17:06:04   10   BY MR. BUSCH:

17:06:04   11   Q.   CAN YOU NAME SOME? LET'S FOCUS ON

17:06:11   12   REQUESTS FOR PERMANENT DOWNLOAD REQUESTS WHERE YOU

17:06:14   13   HAD --

17:06:14   14   A.   LIKE I SAID, I DIDN'T SEND OUT JUST

17:06:16   15   ONLY PERMANENT DOWNLOAD REQUESTS. MY REQUESTS

17:06:20   16   WOULD HAVE BEEN FOR BOTH PHYSICAL PRODUCTS AND

17:06:25   17   PERMANENT DOWNLOADS.

17:06:25   18   Q.   AT WHOSE REQUEST -- AT WHOSE

17:06:26   19   DIRECTION DID YOU SEND THEM OUT FOR BOTH?

17:06:29   20   A.   PATRICIA BLAIR.

17:06:34   21   THE VIDEOGRAPHER: PARDON ME,

17:06:35   22   COUNSEL. WE HAVE APPROXIMATELY TEN MINUTES LEFT

17:06:35   23   ON THIS PARTICULAR TAPE.

17:06:37   24   MR. BUSCH: OKAY.

17:06:37   25   MR. POMERANTZ: AND THAT'S THE LAST