

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

**EXHIBIT 22-D**

**Excerpts of transcript pages from the deposition  
of Chad Gary taken on May 6, 2008**

DEPOSITION OF CHAD GARY

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 CHAD GARY, TAKEN  
ON BEHALF OF THE PLAINTIFFS, AT  
10250 CONSTELLATION BOULEVARD, 19TH  
FLOOR, LOS ANGELES, CALIFORNIA,  
COMMENCING AT 10:07 A.M., TUESDAY,  
MAY 6, 2008, BEFORE SAMANTHA  
AVENAIM, CSR NUMBER 10627.

DEPOSITION OF CHAD GARY

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12:08:24 1 A. WELL, MY EXPLANATION IS THAT THIS  
12:08:26 2 ISSUE MUST HAVE BEEN ESCALATED, AND EITHER PAT OR  
12:08:30 3 SOMEONE IN BUSINESS AFFAIRS LOOKED AT IT AND FELT  
12:08:34 4 IT WAS OKAY.

12:08:55 5 Q. DO YOU RECALL MY TESTIMONY -- DO  
12:08:56 6 YOU RECALL MY QUESTION OF EARLIER TODAY WHERE I  
12:08:58 7 ASKED YOU WHETHER IT WAS THE PRACTICE OF  
12:09:01 8 UNIVERSAL, IF IT HAD THE RIGHT UNDER THE  
12:09:05 9 CONTROLLED COMPOSITION CLAUSE TO EXPLOIT  
12:09:08 10 COMPOSITIONS DIGITALLY, TO SEND LICENSES LIKE THE  
12:09:13 11 ONES WE'RE GOING OVER TO PUBLISHERS, AND YOU SAID,  
12:09:15 12 "NOT GENERALLY."

12:09:17 13 DO YOU RECALL THAT TESTIMONY?

12:09:18 14 A. YES.

12:09:18 15 Q. IF I WERE TO SHOW YOU 20 OR 30 MORE  
12:09:24 16 LICENSES LIKE THE ONES I'VE SHOWN YOU SO FAR AND  
12:09:29 17 ASKED YOU WHETHER YOU HAVE ANY EXPLANATION WHY  
12:09:31 18 THOSE SEPARATE LICENSES WERE SENT OUT FOR  
12:09:36 19 SIGNATURE SEPARATE AND APART FROM THE CONTROLLED  
12:09:39 20 COMPOSITION CLAUSE, WOULD YOUR ANSWER BE THE SAME  
12:09:49 21 AS IT WAS ON THE ONES I SHOWED YOU, WHICH IS YOU  
12:09:49 22 DON'T RECALL OR KNOW?

12:09:49 23 MR. POMERANTZ: OBJECTION TO THE  
12:09:49 24 FORM.

12:09:49 25 ///

DEPOSITION OF CHAD GARY

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12:09:49 1 BY MR. BUSCH:

12:09:49 2 Q. GO AHEAD.

12:09:50 3 A. EVEN THOUGH I DON'T RECALL OR DON'T  
12:09:52 4 KNOW, AN ISSUE LIKE THIS IS PROBABLY AN  
12:09:57 5 ARTIST-RELATION ISSUE, WHERE EVEN THOUGH WE MAY  
12:10:01 6 HAVE A LEGAL RIGHT, WE WANT TO MAINTAIN GOOD  
12:10:04 7 ARTIST RELATIONS.

12:10:05 8 Q. IS THIS SOMETHING YOU'RE  
12:10:07 9 SPECULATING ON SINCE YOU SAY YOU DON'T KNOW, AND  
12:10:09 10 YOU DON'T KNOW SPECIFICALLY WHY THESE LICENSES ARE  
12:10:12 11 SENT?

12:10:12 12 A. YEAH.

12:10:12 13 Q. OKAY. THIS IS NOT BASED ON  
12:10:14 14 PERSONAL KNOWLEDGE?

12:10:14 15 A. NO.

12:10:15 16 Q. OKAY.

12:10:17 17 A. IT'S BASED ON THE PERSONAL  
12:10:20 18 KNOWLEDGE THAT I KNOW WE'VE DONE THAT BEFORE, BUT  
12:10:23 19 NOT -- I CAN'T BE SPECIFIC ABOUT THIS LICENSE.

12:10:27 20 Q. OR THESE LICENSES IN THIS CASE?

12:10:31 21 A. RIGHT.

12:10:31 22 Q. AND IN CONNECTION WITH THESE  
12:10:38 23 COMPOSITIONS AT ISSUE IN THIS CASE, WOULD IT BE  
12:10:48 24 FAIR TO SAY THAT AS FAR AS WHETHER UNIVERSAL  
12:10:54 25 CONCLUDED IT HAD THE RIGHT OR DIDN'T HAVE THE