

1 my knowledge, no, they were not.

2 Q. I take it then that no documents  
3 have been withheld from production; is that  
4 true?

5 A. That's correct.

6 Q. And is it also accurate that no  
7 documents that were sought have been destroyed  
8 or destroyed in any manner?

9 A. Not to my knowledge, no.

10 Q. Generally speaking, what does your  
11 file on this case, this matter, consist of?

12 A. The Complaint, or Amended  
13 Complaint, I can't remember which. Copies of  
14 the printouts of the survey questionnaires and  
15 the results of the surveys and then a page that  
16 had -- the retainer agreement was in there,  
17 the -- on the last page of every folder that I  
18 have I have a list of the times that I worked on  
19 the matter and the hours that I worked on it, so  
20 that was also in there.

21 Q. Anything else in your file?

22 A. Not that I can think of.

23 Q. Have you produced all documents  
24 that you relied upon in preparing for this case?

25 A. Yes, to the best of my knowledge.

1 Q. When you say to the best of your  
2 knowledge?

3 A. There are a couple documents that  
4 I generally relied on as opposed to specifically  
5 relied on. My general knowledge on McCarthy on  
6 trademarks and Sherri Diamond. I understand  
7 that I didn't produce those because certainly,  
8 all law firms would have those.

9 Q. All right, sir. Indeed yesterday,  
10 counsel for the Plaintiff provided a written  
11 response to the Deposition Exhibit Number 1 and  
12 I believe in that response indicated that one of  
13 the documents were treatises that you rely upon  
14 is McCarthy's treatise on trademarks; is that  
15 right?

16 A. That's correct.

17 Q. And do you recognize that  
18 McCarthy's treatise as authoritative as it  
19 pertains to trademarks?

20 A. It certainly is, but the part I  
21 relied on was the survey research part of it.

22 Q. What part would that be within the  
23 McCarthy treatise?

24 A. I don't recall the chapter, but  
25 there is a chapter that deals with survey

1 research and that's the only chapter I'm if many  
2 with.

3 Q. Is that by chance chapter 32?

4 A. I don't recall.

5 Q. Regardless of what chapter number  
6 it is, that is the one chapter in McCarthy that  
7 you recognize as authoritative with respect to,  
8 the work you've done in this case?

9 A. That's correct.

10 Q. All right. Then I think you also  
11 made reference to another document or source of  
12 materials that you relied on and that's Sherri  
13 Diamond's Reference Guide on Survey Research; is  
14 that correct?

15 A. Yes.

16 Q. And when is the last time you  
17 reviewed that material?

18 A. Oh, it's been a number of months  
19 since I specifically reviewed it.

20 Q. I take it you did not review it in  
21 your work in this case?

22 A. That's correct.

23 Q. Same thing with respect to the  
24 McCarthy treatise. Since you were retained in  
25 this case did you have occasion to review the

1 McCarthy treatise materials that you relied  
2 upon?

3 A. No, I did not.

4 MR. FENSTER: Dr. Maronick, let me  
5 caution you because we have the court reporter,  
6 it will help if you pause and make sure that  
7 Mr. Moran finishes his question before  
8 answering.

9 THE WITNESS: Yes.

10 BY MR. MORAN:

11 Q. I may have asked you this, but  
12 bear with me.

13 Do you recognize Sherri Diamond's  
14 Reference Guide on Survey Research as  
15 authoritative with respect to your work in this  
16 case?

17 MR. FENSTER: Object to the form.

18 THE WITNESS: As to the survey  
19 research, yes.

20 BY MR. MORAN:

21 Q. As to survey research, yes.

22 Are there any aspects of her work  
23 that you do not recognize as authoritative?

24 A. Not that I can think of.

25 Q. All right, sir. Have you relied

1 years, as I understand it; right?

2 A. That's correct.

3 Q. Was there anything about this  
4 sampling or the work that you did here different  
5 from the Internet surveys you've done in the  
6 past?

7 A. No, not that I can think of.

8 Q. All right. Have you had any other  
9 communications with anyone other than C & M  
10 Marketing and your counsel with respect to your  
11 work in this case?

12 A. No, I have not.

13 Q. Before you is a copy, Exhibit  
14 Number 2. Do you see that, sir?

15 A. Yes.

16 (Maronick Exhibit Number 2 was  
17 marked for identification.)

18 BY MR. MORAN:

19 Q. Take a moment to review that  
20 document and confirm that that, in fact, is a  
21 copy of your expert report in this case?

22 A. Yes, it is.

23 Q. Thank you.

24 Does this appear to be an accurate  
25 copy of your work in this case in your report?