

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?