

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WISCONSIN ALUMNI RESEARCH
FOUNDATION,

Plaintiff,

v.

APPLE, INC.,

Defendant.

ORDER

14-cv-062-wmc

Before the court is defendant Apple's motion for ruling on WARF's objections to certain deposition designations of two witnesses: Webb and Moshovos. (Dkt. #501.)

After reviewing WARF's opposition (dkt. #509), the court issues the following rulings:

Webb

- Webb's testimony regarding the development of the EV6 store wait table (20): **sustained**. WARF objects to Webb's testimony in response to a question as to when "the *conception* of the store wait table happened." (Webb Dep. (dkt. #227) 20.) The court agrees with WARF that the use of the word "conception" encompasses a legal concept for which Webb as a lay witness may not provide testimony.
- Webb's testimony regarding a presentation (40-41): **overruled**. WARF objects to Webb's testimony acknowledging certain statements made in a slide presentation by a third-party and explaining what those statement meant to him. The court will **reserve** on the admissibility of the slide presentation itself on hearsay grounds, but Webb's recollection and understanding of the statements in the presentation are independent and not subject to a hearsay objection.

Andrew Moshovos

- Moshovos' testimony regarding an email with colleague George Chrysos about a prior art reference (292-96): **sustained**. WARF objects to this designation as non-responsive, confusing, and lack of foundation. The court agrees that Moshovos' response does not answer the questions asked and is a rambling narrative. Even Apple's counsel sought to strike the answer as nonresponsive. (Moshovos Dep. (dkt. #235) 296.)

Accordingly, IT IS ORDERED that Apple's motion for rulings on WARF's objections to certain designations (dkt. #501) is GRANTED, and the objections are sustained in part and overruled in part as provided above.

Entered this 5th day of October, 2015.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge