

## EXHIBIT 7

Page 1	Page 2
<p>1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA</p> <p>2 IN AND FOR THE COUNTY OF SAN MATEO</p> <p>3</p> <p>4 SIX4THREE, LLC, a Delaware )</p> <p>5 limited liability company, )</p> <p>6 )</p> <p>7 Plaintiff, )</p> <p>8 )</p> <p>9 vs. ) No. CIV533328</p> <p>10 )</p> <p>11 )</p> <p>12 FACEBOOK, INC., a Delaware )</p> <p>13 corporation, and DOES 1-50, )</p> <p>14 inclusive, )</p> <p>15 )</p> <p>16 Defendants. )</p> <p>17 )</p> <p>18 )</p> <p>19 )</p> <p>20 )</p> <p>21 )</p> <p>22 REPORTED BY:</p> <p>23 JOHNNNA PIPER</p> <p>24 CSR 11268</p> <p>25 Job No. 10029537</p>	<p>1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA</p> <p>2 IN AND FOR THE COUNTY OF SAN MATEO</p> <p>3</p> <p>4 SIX4THREE, LLC, a Delaware )</p> <p>5 limited liability company, )</p> <p>6 )</p> <p>7 Plaintiff, )</p> <p>8 )</p> <p>9 vs. ) No. CIV533328</p> <p>10 )</p> <p>11 )</p> <p>12 FACEBOOK, INC., a Delaware )</p> <p>13 corporation and DOES 1-50, )</p> <p>14 inclusive, )</p> <p>15 )</p> <p>16 Defendants. )</p> <p>17 )</p> <p>18 )</p> <p>19 )</p> <p>20 )</p> <p>21 )</p> <p>22 )</p> <p>23 )</p> <p>24 )</p> <p>25 )</p> <p>Deposition of TED KRAMER, Volume I, taken on behalf of Defendant, at DURIE TANGRI LLP, 217 Leidesdorff Street, San Francisco, California, beginning at 9:00 a.m. and ending at 5:17 p.m. on Friday, January 13, 2017, before JOHNNNA PIPER, Certified Shorthand Reporter No. 11268.</p>
Page 3	Page 4
<p>1 APPEARANCES:</p> <p>2</p> <p>3 For the Plaintiff:</p> <p>4 BIRNBAUM &amp; GODKIN, LLP</p> <p>5 DAVID S. GODKIN, ESQ.</p> <p>6 280 Summer Street</p> <p>7 Boston, Massachusetts 02210</p> <p>8 (617) 307-6100</p> <p>9 godkin@birnbaumgodkin.com</p> <p>10</p> <p>11</p> <p>12 For the Defendant:</p> <p>13 DURIE TANGRI LLP</p> <p>14 LAURA E. MILLER, ESQ.</p> <p>15 CATHERINE Y. KIM, ESQ.</p> <p>16 SONAL N. MEHTA, ESQ.</p> <p>17 217 Leidesdorff Street</p> <p>18 San Francisco, California 94111</p> <p>19 (415) 362-6666</p> <p>20 lmiller@duriatangri.com</p> <p>21</p> <p>22</p> <p>23</p> <p>24 Also Present: David Manzo, videographer.</p> <p>25</p>	<p>1 I N D E X</p> <p>2 WITNESS: TED KRAMER</p> <p>3 EXAMINATION BY: PAGE</p> <p>4 MS. MILLER 9</p> <p>5</p> <p>6</p> <p>7</p> <p>8 EXHIBITS</p> <p>9 NUMBER DESCRIPTION PAGES</p> <p>10 Exhibit 27 E-mail from Facebook to 88</p> <p>11 ted@six4three.com, Bates-stamped</p> <p>12 Six4Three 000000551</p> <p>13 Exhibit 28 E-mail from Thomas Scaramellino to Serge 104</p> <p>14 Belongie, et al., dated April 18, 2013,</p> <p>15 subject: Thoughts for tonight,</p> <p>16 Bates-stamped Six4Three 000000549</p> <p>17</p> <p>18 Exhibit 29 E-mail string beginning with an e-mail 110</p> <p>19 from Ted Kramer, dated June 18, 2013,</p> <p>20 Bates-stamped Six4Three 000000868</p> <p>21 through 70</p> <p>22</p> <p>23 Exhibit 30 E-mail from Thomas Scaramellino to Tim 116</p> <p>24 Gildea, et al., dated June 18, 2013,</p> <p>25 subject: Terms of use &amp; privacy policy,</p> <p>with attachment, Bates-stamped Six4Three</p> <p>000001090 through 110</p> <p>Exhibit 31 Printout of archived website 117</p> <p>pikinis.com</p> <p>Exhibit 32 Template e-mail entitled, "Campus 122</p> <p>Marketing Ambassador," Bates-stamped</p> <p>Six4Three 000001594</p>

<p style="text-align: right;">Page 161</p> <p>1 interest in this type of product.</p> <p>2 <b>Q. Going to the second full paragraph, the</b></p> <p>3 <b>second sentence reads, "If the app had continued to</b></p> <p>4 <b>grow at its then current rate, a very modest</b></p> <p>5 <b>assumption is apps tend to grow more quickly once</b></p> <p>6 <b>network effects are taken into account, Six4Three</b></p> <p>7 <b>very soon would have been able to provide unique</b></p> <p>8 <b>photo contextual intelligence and very large revenue</b></p> <p>9 <b>streams from organizing, sorting, and mining the</b></p> <p>10 <b>photos on Facebook."</b></p> <p>11 <b>The phrase "then current rate," what --</b></p> <p>12 <b>what does the then current date --</b></p> <p>13 <b>MR. GODKIN: Rate.</b></p> <p>14 <b>BY MS. MILLER:</b></p> <p>15 <b>Q. -- referred to?</b></p> <p>16 <b>A. To clarify, do you mean rate or date? You</b></p> <p>17 <b>said --</b></p> <p>18 <b>Q. Date. What is the date of the then current</b></p> <p>19 <b>rate referenced in that sentence?</b></p> <p>20 <b>A. Q3 and Q4 of 2014.</b></p> <p>21 <b>Q. Six months?</b></p> <p>22 <b>A. Yes.</b></p> <p>23 <b>Q. So that would be July through December of</b></p> <p>24 <b>2014?</b></p> <p>25 <b>A. I would include up until -- so I will</b></p>	<p style="text-align: right;">Page 162</p> <p>1 change my statement. I -- I would include up until</p> <p>2 the app ceased to function, so I will say April of</p> <p>3 2015 as well. So we would then go three quarters,</p> <p>4 Q3, Q4, and Q1.</p> <p>5 <b>Q. So if the app had continued to grow at its</b></p> <p>6 <b>rate over the months of July 2014 through April</b></p> <p>7 <b>2015, Six4 -- Six4Three would very soon have been</b></p> <p>8 <b>able to provide unique photo contextual intelligence</b></p> <p>9 <b>and very large revenue streams from organizing,</b></p> <p>10 <b>sorting, and mining the photos on Facebook?</b></p> <p>11 <b>A. Yes.</b></p> <p>12 <b>Q. Turn to page 27, please.</b></p> <p>13 <b>And then looking at the third full</b></p> <p>14 <b>paragraph under subsection B, the first sentence</b></p> <p>15 <b>reads, "Facebook did not notify Six4Three of the</b></p> <p>16 <b>shutting down of Graph API and the deprecating of</b></p> <p>17 <b>the friends photos endpoint until January 20th,</b></p> <p>18 <b>2015."</b></p> <p>19 <b>Is that an accurate statement?</b></p> <p>20 <b>A. Yes.</b></p> <p>21 <b>Q. And then on the next page in the second</b></p> <p>22 <b>paragraph, four sentences in, you write, "Facebook</b></p> <p>23 <b>provided Six4Three with notice of many different</b></p> <p>24 <b>changes and yet not until January 20th, 2015, did</b></p> <p>25 <b>Facebook send notice to Six4Three of a change that</b></p>
<p style="text-align: right;">Page 163</p> <p>1 <b>would cause Six4Three's app to shut down."</b></p> <p>2 <b>Is that an accurate statement?</b></p> <p>3 <b>A. Sorry. I apologize. Did you say we're on</b></p> <p>4 <b>the next page?</b></p> <p>5 <b>Q. Yes, sorry. Page 28, first full paragraph,</b></p> <p>6 <b>which starts about halfway down the page, and I'm</b></p> <p>7 <b>looking at the fourth sentence.</b></p> <p>8 <b>A. Can you repeat your question?</b></p> <p>9 <b>Q. Yeah. The -- the statement that "Facebook</b></p> <p>10 <b>provided Six4Three with notice of many different</b></p> <p>11 <b>changes and yet not until January 20th, 2015, did</b></p> <p>12 <b>Facebook send notice to Six4Three of a change that</b></p> <p>13 <b>would cause Six4Three's app to shut down."</b></p> <p>14 <b>My question was: Is that an accurate</b></p> <p>15 <b>statement?</b></p> <p>16 <b>A. Yes.</b></p> <p>17 <b>Q. And I won't go through all of them, but</b></p> <p>18 <b>this is included in several of the interrogatory</b></p> <p>19 <b>responses.</b></p> <p>20 <b>So your testimony is that Six4Three was not</b></p> <p>21 <b>notified of the transition from Graph API Version 1</b></p> <p>22 <b>to Graph API Version 2 until January 20th, 2015?</b></p> <p>23 <b>MR. GODKIN: Objection.</b></p> <p>24 <b>THE WITNESS: No, I did not say that.</b></p> <p>25 <b>BY MS. MILLER:</b></p>	<p style="text-align: right;">Page 164</p> <p>1 <b>Q. What is inaccurate about what I just read?</b></p> <p>2 <b>A. The implications of what that change meant</b></p> <p>3 <b>were not communicated to us until January 20th,</b></p> <p>4 <b>2015.</b></p> <p>5 <b>Q. When did you first become aware that -- or</b></p> <p>6 <b>Six4Three would have to transition from Graph API</b></p> <p>7 <b>Version 1 to Graph API Version 2?</b></p> <p>8 <b>A. I don't remember. It was in 2014.</b></p> <p>9 <b>Q. Was it in May of 2014?</b></p> <p>10 <b>A. I don't remember.</b></p> <p>11 <b>Q. You recall having a conversation with</b></p> <p>12 <b>Mr. Gildea in May of 2014 regarding the</b></p> <p>13 <b>transition from Graph API Version 1 to Graph API --</b></p> <p>14 <b>THE COURT REPORTER: I'm sorry. Can you</b></p> <p>15 <b>say that again?</b></p> <p>16 <b>MS. MILLER: Sorry.</b></p> <p>17 <b>Q. Do you remember -- do you recall a</b></p> <p>18 <b>conversation with Mr. Gildea in May 2014 regarding</b></p> <p>19 <b>the transition of Graph API Version 1 to Graph API</b></p> <p>20 <b>Version 2?</b></p> <p>21 <b>A. I don't remember.</b></p> <p>22 <b>Q. Do you recall -- so you -- you have no</b></p> <p>23 <b>memory of when -- between May 2014 and January of</b></p> <p>24 <b>2015 when you first learned of the transition to</b></p> <p>25 <b>Graph API Version 2?</b></p>

<p style="text-align: right;">Page 181</p> <p>1 point approved the Pikinis app, correct?</p> <p>2 A. Correct.</p> <p>3 Q. When did Six4Three submit the Pikinis app</p> <p>4 for approval?</p> <p>5 A. I don't remember.</p> <p>6 Q. Was it before announce -- before or after</p> <p>7 the announcement that Facebook was transitioning</p> <p>8 from Graph API Version 1 to Graph API Version 2?</p> <p>9 A. I don't remember.</p> <p>10 Q. Do you know what the approval process</p> <p>11 entailed?</p> <p>12 A. No. I left that to Mr. Gildea.</p> <p>13 Q. Mr. Gildea submitted the Six4Three app to</p> <p>14 Facebook for approval?</p> <p>15 A. Correct.</p> <p>16 Q. Please look at Exhibit 47.</p> <p>17 And I want to direct your attention to Form</p> <p>18 Interrogatory Number 8.4.</p> <p>19 MR. GODKIN: You better stop, because 47 is</p> <p>20 just the verification.</p> <p>21 MS. MILLER: Thank you.</p> <p>22 45. My apologies. Exhibit 45.</p> <p>23 Q. And it's Form Interrogatory 8.4. And in</p> <p>24 the first supplemental response on page 7 Six4Three</p> <p>25 says that as of April 30th, 2015, 4,481 users had</p>	<p style="text-align: right;">Page 182</p> <p>1 downloaded the Pikinis app of whom 3,963 had</p> <p>2 subscriptions to premium contents.</p> <p>3 Do you see that?</p> <p>4 A. Sorry. Where are you seeing the date?</p> <p>5 Q. Oh, I was -- it was at the time Facebook</p> <p>6 ended access to the friends photos endpoint, which I</p> <p>7 think we've established is April 30th, 2015.</p> <p>8 A. I apologize. The supplemental response or</p> <p>9 the second supplemental response?</p> <p>10 Q. The supplemental response on page 7.</p> <p>11 MR. GODKIN: Could you read the question</p> <p>12 back? I'm not sure I remember what it was.</p> <p>13 MS. MILLER: Yes.</p> <p>14 Q. In the first supplemental response on</p> <p>15 page 7 Six4Three states that as of April 30th, 2015,</p> <p>16 4,481 users had downloaded the app of whom 3,963 had</p> <p>17 subscriptions to premium content.</p> <p>18 That's a correct statement? And I -- I'm</p> <p>19 not actually trying to -- I'm not trying to trip you</p> <p>20 up with -- I know the numbers have shifted a little</p> <p>21 bit, but I read that accurately?</p> <p>22 A. Yes.</p> <p>23 Q. And then it goes on to say that, "Six4Three</p> <p>24 further notes that with its then existing user base</p> <p>25 at the time Six4Three ceased operations and with</p>
<p style="text-align: right;">Page 183</p> <p>1 absolutely no further growth in user base, product</p> <p>2 development, or the additional monetization</p> <p>3 Six4Three had planned, Six4Three would have obtained</p> <p>4 profits amounting to 1.149569 dollars." We'll call</p> <p>5 it \$1.15 million.</p> <p>6 THE COURT REPORTER: I'm sorry. One point?</p> <p>7 MS. MILLER: One-five.</p> <p>8 Q. Do you see that?</p> <p>9 A. Correct.</p> <p>10 Q. How did you derive that number?</p> <p>11 A. In work with my investor, Mr. Scaramellino,</p> <p>12 we put together a financial model based on our</p> <p>13 previous results and existing user growth.</p> <p>14 Q. So here you're saying, though, that this</p> <p>15 number is based on no growth, correct?</p> <p>16 It's -- it's -- my understanding of this,</p> <p>17 and tell me if I'm wrong, is that if Six4Three had</p> <p>18 4,481 users for two years and no more, 3 -- 3,963 of</p> <p>19 whom had subscriptions to premium content, it would</p> <p>20 have profits of \$1.15 million over a two-year</p> <p>21 period?</p> <p>22 A. Correct.</p> <p>23 MR. GODKIN: Object -- go ahead.</p> <p>24 BY MS. MILLER:</p> <p>25 Q. And so once a user had downloaded the app,</p>	<p style="text-align: right;">Page 184</p> <p>1 they didn't generate any additional revenue for</p> <p>2 Six4Three unless they bought premium subscription</p> <p>3 service, right?</p> <p>4 A. Correct.</p> <p>5 Q. And so if we round up the 3,963 to 4,000</p> <p>6 and multiply that by 48 months and \$2 per month for</p> <p>7 premium subscription -- and let's just call -- call</p> <p>8 it 50 months so that we have it -- it's -- it's --</p> <p>9 it's -- the numbers are --</p> <p>10 MR. GODKIN: I take it you weren't a math</p> <p>11 major.</p> <p>12 BY MS. MILLER:</p> <p>13 Q. So the numbers are easier, we'll say 4,000</p> <p>14 users at \$2 per month over 50 months. That's</p> <p>15 \$400,000.</p> <p>16 How do you get to 1.15?</p> <p>17 MR. GODKIN: Objection.</p> <p>18 THE WITNESS: I would have to look at the</p> <p>19 model that we presented.</p> <p>20 BY MS. MILLER:</p> <p>21 Q. You would agree with me, though, that based</p> <p>22 solely on \$2 per month per user over 48 months, you</p> <p>23 cannot get to \$1.15 million?</p> <p>24 MR. GODKIN: Objection.</p> <p>25 THE WITNESS: No, I don't.</p>

<p style="text-align: right;">Page 193</p> <p><b>1 for Six4Three?</b></p> <p>2 MR. GODKIN: Objection.</p> <p>3 THE WITNESS: Can you repeat your question?</p> <p>4 BY MS. MILLER:</p> <p>5 <b>Q. Let me rephrase it.</b></p> <p>6 <b>Sitting here today, you can't point me to a</b></p> <p>7 <b>single other document other than Exhibits L and M</b></p> <p>8 <b>that include information as to whether Six4Three had</b></p> <p>9 <b>any actual sales of the Pikinis app?</b></p> <p>10 MR. GODKIN: Objection.</p> <p>11 THE WITNESS: To clarify your question,</p> <p>12 you're saying that only these two exhibits are the</p> <p>13 only examples of Pikinis generating revenue?</p> <p>14 BY MS. MILLER:</p> <p>15 <b>Q. That provide data of -- that show Pikinis</b></p> <p>16 <b>generating revenue, yes.</b></p> <p>17 A. No.</p> <p>18 <b>Q. I got a little muddled so I just want to be</b></p> <p>19 <b>clear. Other than these two exhibits, are there any</b></p> <p>20 <b>other documents that show actual sales of the</b></p> <p>21 <b>Pikinis app?</b></p> <p>22 A. There are transaction records between Apple</p> <p>23 depositing money into our bank account that</p> <p>24 demonstrate sales.</p> <p>25 <b>Q. And you would be able to see that from bank</b></p>	<p style="text-align: right;">Page 194</p> <p><b>1 statements?</b></p> <p>2 A. Correct.</p> <p>3 <b>Q. Can I have you look at Exhibit K, please?</b></p> <p>4 <b>What is Exhibit K?</b></p> <p>5 A. It appears to be metrics for in-app</p> <p>6 subscriptions as well as the app download.</p> <p>7 <b>Q. Do you know where this came from?</b></p> <p>8 A. The Apple developer -- iTunes developer</p> <p>9 website.</p> <p>10 THE COURT REPORTER: I'm sorry. Developer?</p> <p>11 THE WITNESS: Website.</p> <p>12 THE COURT REPORTER: Thank you.</p> <p>13 BY MS. MILLER:</p> <p>14 <b>Q. If you look back at rog Number 20 and</b></p> <p>15 <b>Six4Three's -- third supplemental response. I'm</b></p> <p>16 <b>looking at page 56, the first full paragraph.</b></p> <p>17 <b>The first sentence reads, "Six4Three was</b></p> <p>18 <b>able to identify a screenshot in its files, though</b></p> <p>19 <b>it cannot accurately identify the specific date of</b></p> <p>20 <b>the screenshot from its prior access of Apple's</b></p> <p>21 <b>developer website."</b></p> <p>22 <b>Did you generate this screenshot?</b></p> <p>23 A. I don't remember.</p> <p>24 <b>Q. Did you provide this screenshot to counsel</b></p> <p>25 <b>to produce to us in this case?</b></p>
<p style="text-align: right;">Page 195</p> <p>1 A. I don't remember. It could have come from</p> <p>2 myself or Mr. Gildea.</p> <p>3 <b>Q. Is there anyone else this could have come</b></p> <p>4 <b>from?</b></p> <p>5 A. No.</p> <p>6 <b>Q. If you flip to page 80, you'll see these</b></p> <p>7 <b>responses were served on December 27th, 2016, so</b></p> <p>8 <b>about three weeks ago. You can't remember three</b></p> <p>9 <b>weeks ago whether or not you provided this</b></p> <p>10 <b>screenshot to counsel?</b></p> <p>11 A. I'm saying I can't remember when this</p> <p>12 screenshot was provided to counsel.</p> <p>13 <b>Q. Did you provide the screenshot to counsel?</b></p> <p>14 A. As I said, I don't remember.</p> <p>15 <b>Q. Did you take the screenshot?</b></p> <p>16 A. I don't remember.</p> <p>17 <b>Q. And if Mr. Gildea says that he did not do</b></p> <p>18 <b>this, does that mean it necessarily was you?</b></p> <p>19 MR. GODKIN: Objection.</p> <p>20 THE WITNESS: Potentially, yes.</p> <p>21 BY MS. MILLER:</p> <p>22 <b>Q. Is it possible that Mr. Scaramellino took</b></p> <p>23 <b>this screenshot?</b></p> <p>24 A. No.</p> <p>25 <b>Q. All right. This screenshot shows 4,320</b></p>	<p style="text-align: right;">Page 196</p> <p><b>1 basic app downloads, 140 one-month app</b></p> <p><b>2 subscriptions, 14 six-month app subscriptions, and 7</b></p> <p><b>3 one-year app subscriptions. This formed the basis</b></p> <p><b>4 of Six4Three's original claim of a total of 4,481</b></p> <p><b>5 downloads, correct?</b></p> <p>6 A. Correct.</p> <p>7 <b>Q. And Six4Three believes that this</b></p> <p>8 <b>information is accurate?</b></p> <p>9 A. Yes.</p> <p>10 <b>Q. So the 4,320 -- sorry. Strike that.</b></p> <p>11 <b>Of the 4,320 -- start over.</b></p> <p>12 <b>Of the 4,481 downloads, only 140 of those</b></p> <p>13 <b>were one-month subscriptions?</b></p> <p>14 A. As per the document, yes.</p> <p>15 <b>Q. And you believe that's accurate?</b></p> <p>16 A. Yes.</p> <p>17 <b>Q. And we were discussing this. Apple doesn't</b></p> <p>18 <b>allow you to do recurring one-month subscriptions.</b></p> <p>19 <b>Do you know how many people paid for the second</b></p> <p>20 <b>month?</b></p> <p>21 A. I do not.</p> <p>22 <b>Q. Do you have any way of determining that?</b></p> <p>23 A. I don't believe so.</p> <p>24 <b>Q. And you have no way of determining whether</b></p> <p>25 <b>or not the basic app download was a paid download,</b></p>

<p style="text-align: right;">Page 205</p> <p>1 THE WITNESS: I read this as the</p> <p>2 1.15 million is the sum of capital and uncompensated</p> <p>3 labor.</p> <p>4 BY MS. MILLER:</p> <p>5 <b>Q. Expended by Six4Three and its team members?</b></p> <p>6 A. Correct.</p> <p>7 <b>Q. And you believe that that's accurate?</b></p> <p>8 A. Yes.</p> <p>9 <b>Q. How was that number calculated?</b></p> <p>10 A. In work put together by myself and counsel</p> <p>11 to determine the damages caused by the shutdown of</p> <p>12 our app and our business.</p> <p>13 <b>Q. What was the nature of that work?</b></p> <p>14 A. Providing the amount of capital that we</p> <p>15 invested as well as the amount of time that we</p> <p>16 invested.</p> <p>17 <b>Q. What was the capital that Six4Three</b></p> <p>18 <b>invested?</b></p> <p>19 A. As I previously had stated, around</p> <p>20 \$250,000.</p> <p>21 Excuse me. I -- I revise that. \$250,000</p> <p>22 was the investment. I can't remember how much of</p> <p>23 that capital we had spent.</p> <p>24 <b>Q. So less than \$250,000 in capital?</b></p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 206</p> <p>1 <b>Q. And so the uncompensated labor expended by</b></p> <p>2 <b>Six4Three was over \$900,000?</b></p> <p>3 A. Yes.</p> <p>4 <b>Q. How do you determine that number?</b></p> <p>5 A. I don't have that information in front of</p> <p>6 me.</p> <p>7 <b>Q. You can't tell me even the method that you</b></p> <p>8 <b>used to determine that number?</b></p> <p>9 A. I need the information in front of me.</p> <p>10 <b>Q. What information?</b></p> <p>11 A. The model that we built to approximate our</p> <p>12 damages.</p> <p>13 <b>Q. Is that different than the business model</b></p> <p>14 <b>that you worked on with Mr. Scaramellino?</b></p> <p>15 A. Yes.</p> <p>16 <b>Q. And you can't recall what information went</b></p> <p>17 <b>into the model to determine over \$900,000 in</b></p> <p>18 <b>uncompensated labor?</b></p> <p>19 A. At the moment, no.</p> <p>20 <b>Q. How much uncompensated labor did you</b></p> <p>21 <b>provide to Six4Three?</b></p> <p>22 A. Almost two and a half years' worth.</p> <p>23 <b>Q. How much was that worth?</b></p> <p>24 A. Hundreds of thousands of dollars.</p> <p>25 <b>Q. Did Mr. Scaramellino's work for Six4Three</b></p>
<p style="text-align: right;">Page 207</p> <p>1 go into calculating the -- the 1.15 million in</p> <p>2 capital and uncompensated labor?</p> <p>3 A. I can't remember.</p> <p>4 <b>Q. Did Mr. Belongie's?</b></p> <p>5 A. I can't remember.</p> <p>6 <b>Q. Did Mr. Mahoney's?</b></p> <p>7 A. I can't remember.</p> <p>8 <b>Q. And Mr. Gildea and Mr. Reiter were</b></p> <p>9 <b>compensated for their labor for Six4Three, correct?</b></p> <p>10 A. Yes.</p> <p>11 <b>Q. So their -- their -- their labor would not</b></p> <p>12 <b>have gone into that calculation?</b></p> <p>13 MR. GODKIN: Objection.</p> <p>14 THE WITNESS: I can't remember.</p> <p>15 BY MS. MILLER:</p> <p>16 <b>Q. You have a full-time job right now,</b></p> <p>17 <b>correct?</b></p> <p>18 A. Correct.</p> <p>19 <b>Q. What's your yearly salary?</b></p> <p>20 A. I make \$120,000 a year.</p> <p>21 <b>Q. And so -- how much did you make at WeWork?</b></p> <p>22 MR. GODKIN: Objection.</p> <p>23 THE WITNESS: Around a hundred thousand</p> <p>24 dollars a year.</p> <p>25 BY MS. MILLER:</p>	<p style="text-align: right;">Page 208</p> <p>1 <b>Q. And you're -- those were full-time jobs?</b></p> <p>2 A. Correct.</p> <p>3 <b>Q. And you were working ten to twenty hours a</b></p> <p>4 <b>week for Six4Three?</b></p> <p>5 A. Correct.</p> <p>6 <b>Q. And you think your -- the value of your</b></p> <p>7 <b>labor was hundreds of thousands of dollars over two</b></p> <p>8 <b>and a half years for ten to twenty hours per week?</b></p> <p>9 A. Correct.</p> <p>10 <b>Q. What is the form of the model that you used</b></p> <p>11 <b>to come up with this number, the 1.15 million in</b></p> <p>12 <b>capital and uncompensated labor?</b></p> <p>13 MR. GODKIN: Objection.</p> <p>14 THE WITNESS: I can't remember.</p> <p>15 BY MS. MILLER:</p> <p>16 <b>Q. Is it in a spreadsheet?</b></p> <p>17 A. Yes.</p> <p>18 I apologize. I didn't understand what you</p> <p>19 meant by form.</p> <p>20 <b>Q. Fair enough.</b></p> <p>21 <b>Who prepared that spreadsheet?</b></p> <p>22 A. Myself and Mr. Scaramellino.</p> <p>23 <b>Q. When did you prepare that spreadsheet?</b></p> <p>24 A. I don't remember. Prior to us filing this</p> <p>25 complaint.</p>

<p style="text-align: right;">Page 221</p> <p>1 August 2014 is when we were offering free downloads?</p> <p>2 <b>Q. That period of time included offers of free</b></p> <p>3 <b>downloads, correct?</b></p> <p>4 A. It included free downloads, but it did not</p> <p>5 -- I can't remember if there were -- if it also</p> <p>6 included paid downloads. I believe it included paid</p> <p>7 downloads too.</p> <p>8 <b>Q. But you're not sure?</b></p> <p>9 A. I'm not sure on either side of the</p> <p>10 question.</p> <p>11 <b>Q. And you can't determine how many of the</b></p> <p>12 <b>downloads were paid downloads and how many were free</b></p> <p>13 <b>downloads, correct?</b></p> <p>14 A. I'm of the belief no, that we cannot.</p> <p>15 <b>Q. If you move down to the subscription</b></p> <p>16 <b>revenue assumptions. Do you know where these</b></p> <p>17 <b>numbers came from?</b></p> <p>18 <b>Actually -- and I'll point you to the</b></p> <p>19 <b>assumption notes on the far right-hand side.</b></p> <p>20 A. I do not.</p> <p>21 <b>Q. It says that this was based on the data</b></p> <p>22 <b>from the actual subscriptions from July 16th through</b></p> <p>23 <b>August 31st.</b></p> <p>24 A. That's three of -- three of four of the</p> <p>25 assumptions.</p>	<p style="text-align: right;">Page 222</p> <p>1 <b>Q. Correct. And the -- the other one is</b></p> <p>2 <b>August 22nd to September 30th, 2014?</b></p> <p>3 A. That's correct.</p> <p>4 <b>Q. And you have no way of determining whether</b></p> <p>5 <b>or not those subscriptions were paid subscriptions,</b></p> <p>6 <b>correct?</b></p> <p>7 A. I personally do not.</p> <p>8 <b>Q. And, in fact, the rates, based on the</b></p> <p>9 <b>information we have from the iTunes data, is quite a</b></p> <p>10 <b>bit lower than that for paid subscriptions?</b></p> <p>11 MR. GODKIN: Objection.</p> <p>12 THE WITNESS: They're not comparing the</p> <p>13 same period, though.</p> <p>14 BY MS. MILLER:</p> <p>15 <b>Q. The Apple numbers, as I understand them,</b></p> <p>16 <b>cover the entire period that Pikinis was available.</b></p> <p>17 A. Correct, but this assumption does not cover</p> <p>18 the entire period.</p> <p>19 <b>Q. Correct. It's much higher. And this was</b></p> <p>20 <b>the period when Pikinis was being offered for free,</b></p> <p>21 <b>including premium services for free.</b></p> <p>22 A. Correct. It was also a period, though,</p> <p>23 where we were marketing the app.</p> <p>24 <b>Q. Did you market the app after August 31st?</b></p> <p>25 A. I believe so, yes.</p>
<p style="text-align: right;">Page 223</p> <p>1 <b>Q. What's that?</b></p> <p>2 A. I believe so, yes.</p> <p>3 <b>Q. When did you stop marketing the app?</b></p> <p>4 A. I don't remember how long our Facebook ad</p> <p>5 campaign lasted.</p> <p>6 <b>Q. Why did you stop marketing the ad?</b></p> <p>7 A. Based on our understanding, we were unsure</p> <p>8 if our app would continue to function.</p> <p>9 <b>Q. That was in January of 2015?</b></p> <p>10 A. No. We knew in January of 2015 that our</p> <p>11 app would not function. We knew in August and</p> <p>12 September that we needed to look into if our app</p> <p>13 would function. So we decided not to allocate more</p> <p>14 capital towards marketing something that potentially</p> <p>15 could not exist.</p> <p>16 <b>Q. It took you from August of 2014 until</b></p> <p>17 <b>January of 2015 to determine that your app could no</b></p> <p>18 <b>longer exist?</b></p> <p>19 MR. GODKIN: Objection.</p> <p>20 THE WITNESS: We didn't know until we were</p> <p>21 told directly by Facebook.</p> <p>22 BY MS. MILLER:</p> <p>23 <b>Q. But you knew enough to stop marketing in</b></p> <p>24 <b>August of 2014?</b></p> <p>25 MR. GODKIN: Objection.</p>	<p style="text-align: right;">Page 224</p> <p>1 THE WITNESS: We knew we needed to conserve</p> <p>2 our capital for the future of the business.</p> <p>3 BY MS. MILLER:</p> <p>4 <b>Q. What did -- what did Six4Three do between</b></p> <p>5 <b>August 2014 and January 2015?</b></p> <p>6 A. We continued to monitor the app's organic</p> <p>7 growth and look into how we were going to be</p> <p>8 affected by the changes.</p> <p>9 <b>Q. I think I previously asked you a question,</b></p> <p>10 <b>you have no way of determining whether or not the</b></p> <p>11 <b>paid -- the subscriptions listed in this chart were</b></p> <p>12 <b>paid subscriptions, correct? And you answered, I</b></p> <p>13 <b>personally do not.</b></p> <p>14 <b>Is there anyone at Six4Three who knows who</b></p> <p>15 <b>those -- who -- whether or not the subscriptions</b></p> <p>16 <b>were paid subscriptions?</b></p> <p>17 A. I don't know.</p> <p>18 <b>Q. Who would possibly know that at Six4Three?</b></p> <p>19 A. Potentially Mr. Gildea.</p> <p>20 <b>Q. Anyone else?</b></p> <p>21 A. I don't know.</p> <p>22 <b>Q. Would Mr. Scaramellino know?</b></p> <p>23 A. I don't know.</p> <p>24 <b>Q. I would have to ask him?</b></p> <p>25 A. Correct.</p>