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Epic Games, Inc., v. Apple Inc.

Expert Testimony of Professor Dominique Hanssens

Professor Dominique Hanssens



Distinguished Research Professor,
UCLA, Anderson School of Management



Licentiate in Applied Economics,
University of Antwerp (UFSIA)



M.S. in Management,
Purdue University



Ph.D. in Management,
Purdue University

Assignment

Designed and conducted two surveys of iOS Device users in the U.S., aged 13 or older



iOS App Survey

Who visited the App Store and downloaded apps in the last 12 months



iOS Fortnite Survey

Who played Fortnite on their iOS Devices in the last 12 months

Reviewed and evaluated Professor Rossi's survey instrument and the validity and reliability of his survey results

Key Issues in the iOS App Survey

The survey probed respondents about usage of “Other Electronic Devices” (i.e., devices, other than iPhones and iPads, with which digital games can be accessed)



iOS App Survey

- Regularly used Other Electronic Devices?
- Other Electronic Devices that were available for regular use?

Key Issues in the iOS Fortnite Survey



Survey probed respondents about usage of “Other Electronic Devices” (i.e., devices, other than iPhones and iPads, with which digital games can be accessed) on which they play digital games



iOS Fortnite Survey

- Regularly used Other Electronic Devices?
- Other Electronic Devices that were available for regular use?
- Regularly used Other Electronic Devices to play digital games?

Survey Results

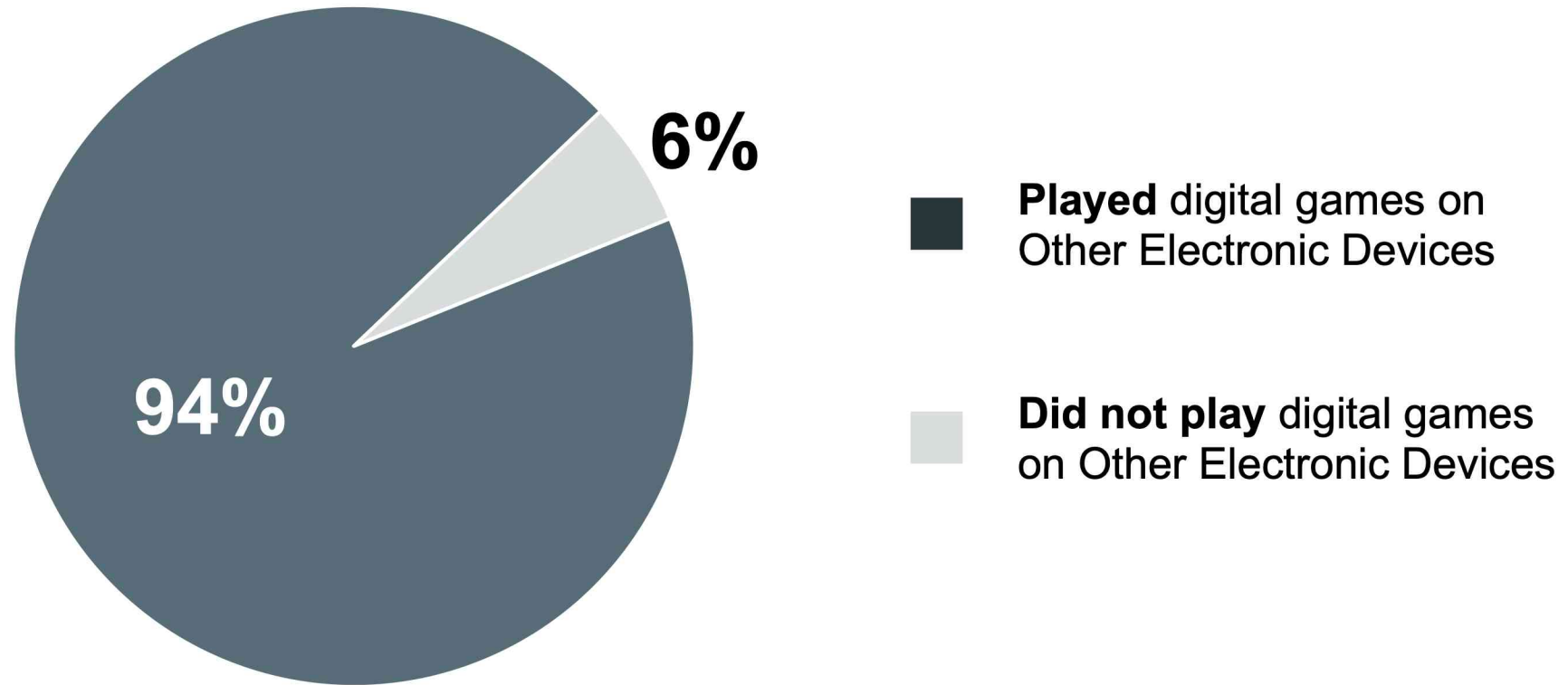
	<div> iOS App Survey</div>	<div> iOS Fortnite Survey</div>
Regularly Used Other Electronic Devices in the Last 12 Months	92%	97%
Regularly Used Other Electronic Devices + Had Other Electronic Devices Available for Regular Use in the Last 12 Months	99%	99%

Additional iOS Fortnite Survey Results





iOS Fortnite Survey

In last 12 months



Summary of Robustness Checks

Robustness Checks	 Impact on iOS App Survey	 Impact on iOS Fortnite Survey
Compared results by iOS device type to full sample results	NO MATERIAL CHANGE	NO MATERIAL CHANGE
Excluded respondents with relatively slow or fast survey completion times	NO MATERIAL CHANGE	NO MATERIAL CHANGE
Excluded respondents who regularly used or could have regularly used a Microsoft Windows OS smartphone	NO MATERIAL CHANGE	NO MATERIAL CHANGE

Professor Rossi's Device Usage Results

Device	Professor Rossi's Respondents
Any Other Electronic Devices	98%
Any Other Non-Apple Electronic Devices	93%

Professor Rossi Did Not Pretest the Final Survey Instrument (V3)

Fielding Period	Type of Study as Defined by Professor Rossi	Tested Survey Instrument	Number of Respondents	Testing with Respondent Interviews
12/23/20–1/2/21	“Unstructured pre-test”	Initial draft survey	8	YES
1/7/21–1/8/21	“Structured pre-test” Version 1	Version 1 (V1)	36	NO
1/12/21–1/13/21	“Structured pre-test” Version 2	Version 2 (V2)	38	NO
1/19/21	“Structured pre-test” Version 3	Version 3 (V3)	99	NO

Final survey (V3) fielded January 20–February 3, 2021

V2 Question Q16 of Professor Rossi's Survey

We are now going to describe a situation in which certain aspects of apps and app stores have changed.

Imagine the following situation:

The prices of all IAPs/subscriptions from the Apple App Store have increased by 5%.

Your estimated spending on IAPs/subscriptions during the past 30 days was \$46. This price increase means that, in the future, the same purchases would cost about \$48.30.

Nothing else about your apps or IAPs/subscriptions has changed. Prices at other app stores (e.g. the Google Play store) or websites remain the same.

Would the 5% price increase cause you to make fewer purchases in the future from the Apple App Store?

- a. No, the price increase would not cause me to make fewer purchases from the Apple App Store
- b. Yes, the price increase would cause me to make fewer purchases from the Apple App Store
- c. Don't know

V3/Final Question Q16 of Professor Rossi's Survey

Recall this situation:

Imagine that, starting 30 days ago, the Apple App Store increased the prices of all IAPs/subscriptions by 5%.

You told us that your spending on IAPs/Subscriptions during the past 30 days was \$4.04. The higher prices mean that the same purchases would have instead cost you \$4.24.

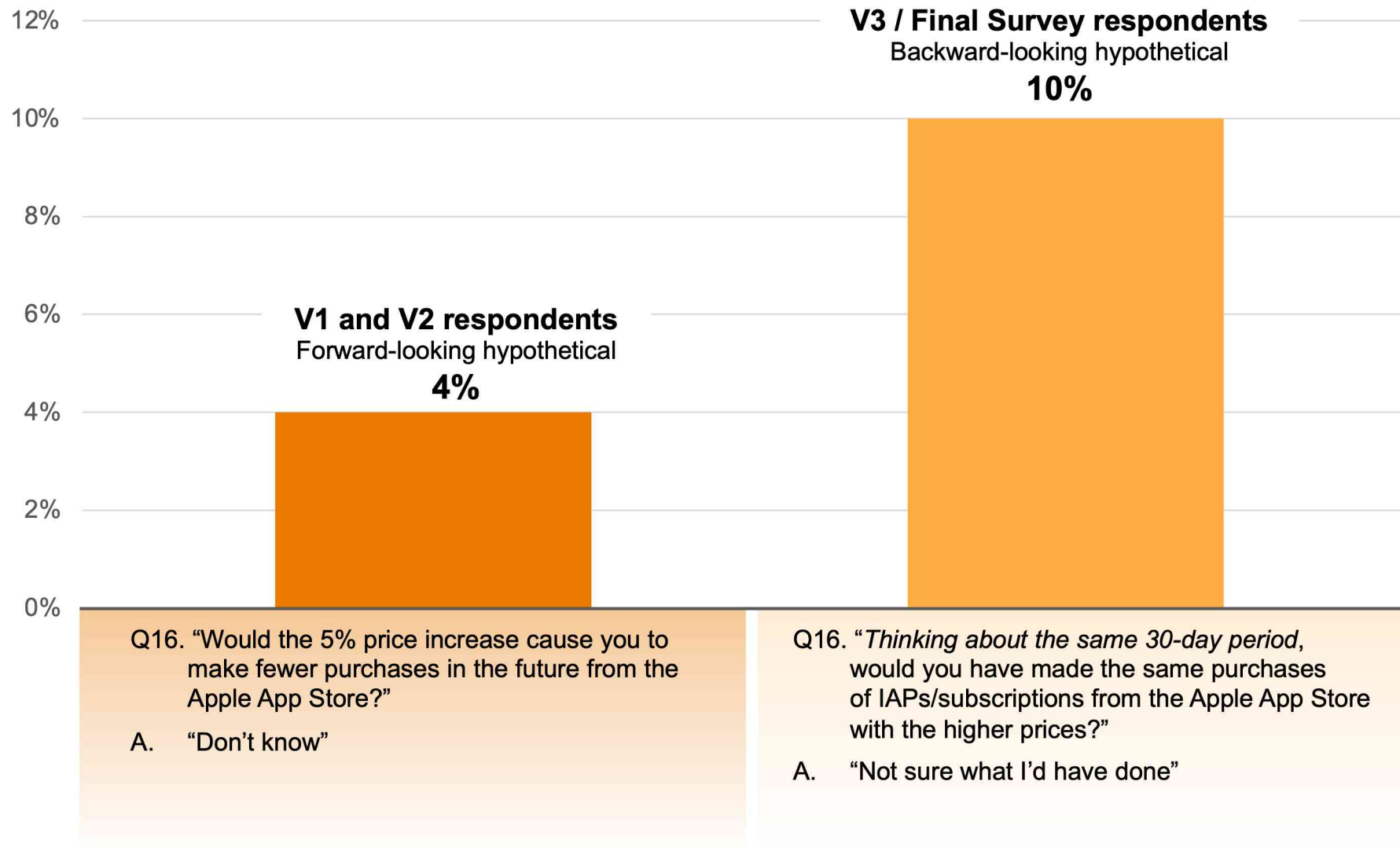
Nothing else about apps or IAPs/subscriptions has changed. Prices at other app stores (e.g. the Google Play store) or websites remain the same.

Thinking about the same 30-day period, would you have made the same purchases of IAPs/subscriptions from the Apple App Store with the higher prices?

- ☐ Yes, I would have made the same purchases and spent \$4.24
- ☐ No, I would have changed my purchases and spent less than \$4.24
- ☐ Not sure what I'd have done

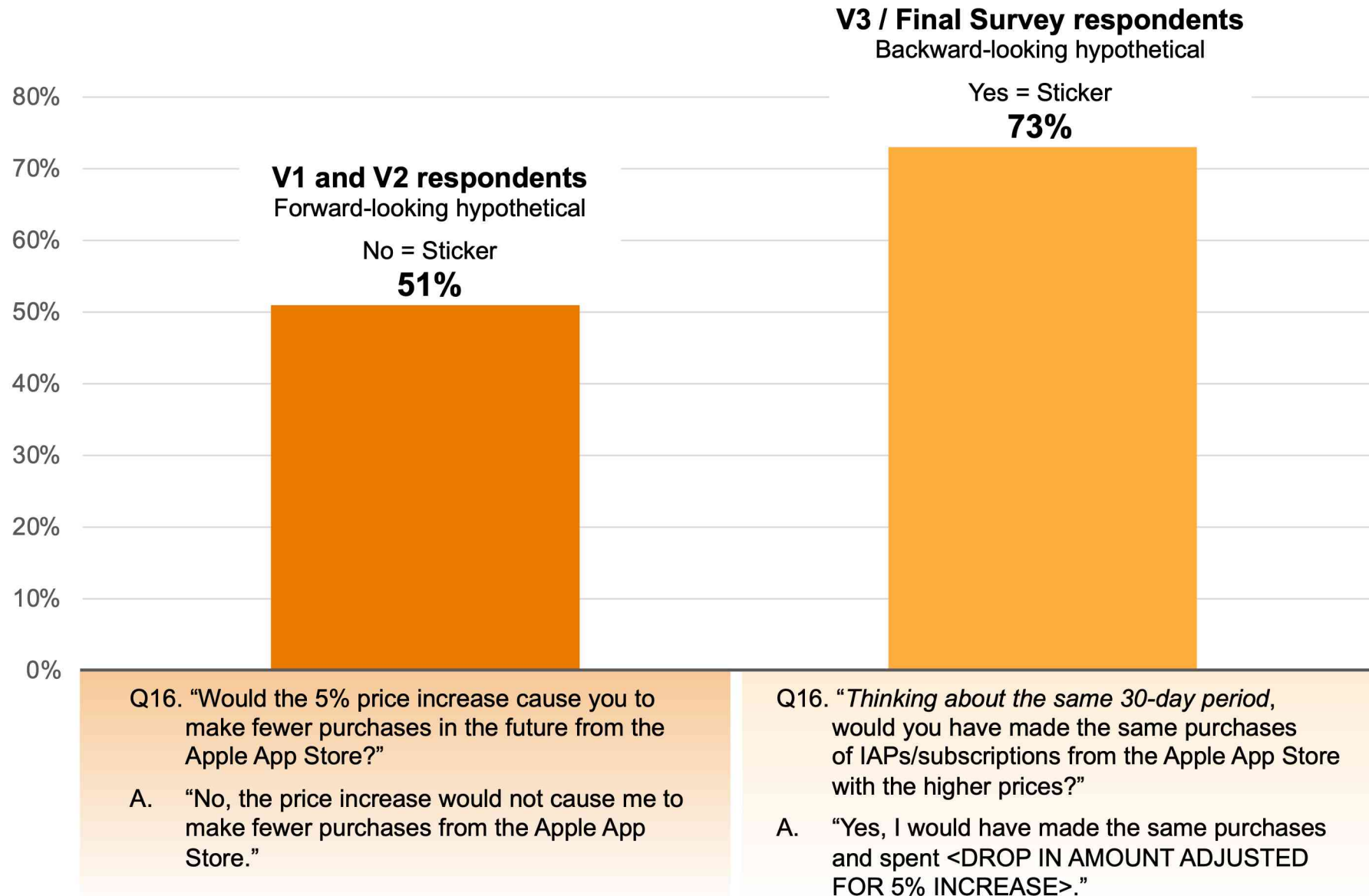
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Percentage of Non-“Deciders”



**Differences in proportions are statistically significant at the 5% level*

Percentage of “Stickers”



**Differences in proportions are statistically significant at the 5% level*