

## HIGHLY CONFIDENTIAL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

EPIC GAMES, INC.,  
Plaintiff,  
Counter-defendant,

vs.

Case No. 4:20-cv-05640

YGR

APPLE INC.,  
Defendant,  
Counterclaimant.

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IN RE APPLE IPHONE  
ANTITRUST LITIGATION  
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Case No. 4:11-cv-06714

YGR

(caption cont'd)

DEFENDANT	United States District Court Northern District of California
	Case No. <b>4:20-cv-05640-YGR</b>
	Case Title <i>Epic Games, Inc. v. Apple, Inc.</i>
	Exhibit No. <b>DX-3042</b>
	Date Entered _____
	Susan Y. Soong, Clerk
	By: _____, Deputy Clerk

## HIGHLY CONFIDENTIAL

1 DONALD R. CAMERON, et al.,

2 Plaintiffs,

3 vs.

Case No. 4:19-cv-03074

YGR

4 APPLE INC.,

5 Defendant.

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10 \*\*HIGHLY CONFIDENTIAL\*\*

11 ZOOM DEPOSITION OF DANIEL VOGEL & EPIC GAMES,

12 INC.'S 30(b)(6) CORPORATE REPRESENTATIVE

13 (Reported Remotely via Video & Web Videoconference)

14 Cary, North Carolina (Deponent's location)

15 Monday, February 15, 2021

16 Volume I

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19  
20 STENOGRAPHICALLY REPORTED BY:

REBECCA L. ROMANO, RPR, CSR, CCR

21 California CSR No. 12546

Nevada CCR No. 827

22 Oregon CSR No. 20-0466

23 Washington CCR No. 3491

24 JOB NO. 4453645

25 PAGES 1 - 265

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## EXAMINATION

Q. Could you please just state and spell  
your full name, please.

A. My name is Daniel Vogel. 09:09:05

Q. Who is your current employer?

A. Epic Games.

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(Exhibit 525 was marked for  
identification by the court reporter and is  
attached hereto.)

MR. LO: We have marked, as Exhibit 525,  
the 30(b)(6) notice.

09:11:55

confirm, I want to confirm that you understand you  
are being designated on the following topics: 2,  
6, 14, 18, 19, 32 as to mobile, 33, 34, 36, and 41.

09:12:15

Q (By Mr. Lo) Do I have that correct?

A. I do not have a way to verify that.

Mr. Even would have to verify that.

MR. LO: I'm okay with counsel verifying  
as well.

09:12:52

MR. EVEN: I believe that is correct,  
subject to the limitations that the parties have  
discussed over time.

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13 (Exhibit 528 was marked for

14 identification by the court reporter and is

15 attached hereto.)

10:35:55

16 Q (By Mr. Lo) Mr. Vogel, we've put up

17 Exhibit 528. Go ahead and take a look at that, and

18 whenever you are ready, my first question is: Is

19 this an email you received in the ordinary course

20 of your work at Epic?

10:36:08

21 A. Okay. Let me take two minutes to read

22 it.

23 Q. Please.

24 A. I have skimmed the email.

25 Q. All right. Is this an email that you

10:38:23

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## HIGHLY CONFIDENTIAL

1 received in the cour- -- ordinary course of your 10:38:25

2 business at Epic?

3 A. I -- I am on the cc, so I assume I

4 received the email.

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22 (Exhibit 529 was marked for

23 identification by the court reporter and is

24 attached hereto.)

25 Q (By Mr. Lo) We've marked, as 529, an

11:10:27

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## HIGHLY CONFIDENTIAL

1 email that you sent. 11:10:36

2 Take a look at that, and when you are

3 ready, my first question is: Is this an email that

4 you sent in August of 2018 in the ordinary course

5 of your work at Epic? 11:10:45

6 A. Okay. Let me read it.

7 I have skimmed the email.

8 Q. This email relates to the security flaw

9 that was in the initial launcher for Android,

10 correct? 11:15:12

11 A. I believe this email covers the issue

12 reported by Google Project Zero.

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20 Q. (By Mr. Lo) By the way, you are the 11:29:31

21 chief operating officer currently; is that right?

22 A. That is my title.

23 Q. How long have you held that title?

24 A. I want to say since somewhere in 2019. I

25 might be off by a year. 11:29:52

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2 Q. (By Mr. Lo) Okay. So prior to  
3 August 2020, why didn't Epic lower the price of  
4 V-Bucks for -- for people who were purchasing them  
5 on the PC if the fee structure was lower for Epic 11:42:51  
6 on PC?

7

8 THE DEPONENT: Lowering the price of  
9 V-Bucks unilaterally on a single platform would  
10 result in arbitrage, and I believe there might be 11:43:13  
11 other contractual requirements there, but I am not  
12 sure. But the main thing, definitely arbitrage.

13 Q. (By Mr. Lo) Okay. But it -- why is  
14 arbitrage -- why is arbitrage a concern? Don't you  
15 want your users to pay the least amount for V-Bucks 11:43:39  
16 that they can? Why is that a concern?

17

18 THE DEPONENT: Arbitrage, generally, is a  
19 concern to avoid, say, a Xbox player feeling forced  
20 to purchase on PC to -- for a lower price, say, 11:44:01  
21 hence identical pricing.

22 Q. (By Mr. Lo) Why is that -- I guess the  
23 question is: Why is that a bad thing if they can  
24 get a lower price by going to a PC and then going  
25 back to the Xbox to play? 11:44:23

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1 A. It presumes having a PC. 11:44:25

2 Q. Okay. And so for those don't have a PC,  
3 then they just pay a little bit more.

4 What's -- what's the concern with that,  
5 from Epic's perspective? 11:44:36

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7 THE DEPONENT: And, again, this is me,  
8 not talking about on behalf of Epic. But it is my  
9 understanding that we wanted to avoid arbitrage  
10 on -- between platforms and having players, 11:44:57  
11 therefore, purchase on the platform they are not  
12 actually playing on.

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