

1                   UNITED STATES DISTRICT COURT  
2                   NORTHERN DISTRICT OF CALIFORNIA  
3                   OAKLAND DIVISION

4  
5 EPIC GAMES, INC.,  
6                   Plaintiff,  
7                   Counter-defendant,

△DEFENDANT△	United States District Court Northern District of California
	Case No. 4:20-cv-05640-YGR
	Case Title <i>Epic Games, Inc. v. Apple, Inc.</i>
	Exhibit No. <u>DX-3036</u>
	Date Entered _____
	Susan Y. Soong, Clerk By: _____, Deputy Clerk

8                   vs.                   Case No. 4:20-cv-05640  
9                   YGR  
10                  APPLE INC.,  
11  
12                  Defendant,  
13                  Counterclaimant.  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

11                  IN RE APPLE IPHONE                   Case No. 4:11-cv-06714  
12                  ANTITRUST LITIGATION                   YGR  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

25                  (caption cont'd)

\*\*HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER\*\*

1 DONALD R. CAMERON, et al.,

2 Plaintiffs,

3 vs.

Case No. 4:19-cv-03074

YGR

4 APPLE INC.,

5 Defendant.

6  
7  
8  
9  
10  
11 \*\*HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER\*\*

12 ZOOM DEPOSITION OF MARK REIN

13 (Reported Remotely via Video & Web Videoconference)

14 Ocala, Florida Deponent's location)

15 Wednesday, February 10, 2021

16 Volume I

17  
18  
19  
20 STENOGRAPHICALLY REPORTED BY:

21 REBECCA L. ROMANO, RPR, CSR, CCR

California CSR No. 12546

22 Nevada CCR No. 827

Oregon CSR No. 20-0466

23 Washington CCR No. 3491

24 JOB NO. 4453817

25 PAGES 1 - 161

Page 2

Veritext Legal Solutions  
866 299-5127

DX-3036.002

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q. When did you join Epic Games, sir? 09:15:46

A. Around early 1992.

Q. And you've been with the company ever 09:16:04

1 since? 09:16:06

2 A. Yes.

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

23 Q. And are the things that you are involved  
24 in today still in the arena of sales and marketing  
25 and sales and marketing strategy?

09:18:55

Page 21

1 A. Typically, yes. 09:18:57

2

3

4

5

6

7

8 And do you currently sit on the board of

9 directors for Epic?

10 A. Yes. 09:19:21

11 Q. And how long have you been on the board?

12 A. Since we created the board.

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5

6           And in the course of your  
7 responsibilities or your job function, have you had  
8 dealings with Apple?

9           A.    Yes.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q. Well, while Fortnite was on the

App Store, did Apple offer marketing and

promotional support for it?

A. Yes.

09:51:51

Page 48

1 Q. Okay. And what sort of marketing and 09:51:51

2 promotional support did Apple provide?

3 A. Apple would feature your app occasionally

4 when you had something important going on.

5 Q. You mean --

09:52:08

6 A. Sorry. Apple would feature Fortnite

7 occasionally when we had something important going

8 on.

9 Q. And what does that mean in the context of

10 an App Store to feature it? 09:52:15

11 A. It means they would give it a prominent

12 placement on one of the pages of the App Store.

13

14

15

16 Q. What other sorts of promotion and

17 marketing did Apple provide for Fortnite?

18 A. One time they put us up on stage and they

19 demonstrated Fortnite at one of their -- I can't

20 remember if it was a developer conference or a

09:52:54

21 product launch.

22

23

24

25

1  
2  
3  
4  
5  
6

7 Q. Did Apple and Epic collaborate  
8 effectively on the marketing and promotional  
9 efforts that you do recall?

10 A. I think so.

09:53:43

11 Q. And did the marketing and promotion  
12 provided by Apple benefit Epic?

13 A. I -- I think it did.

14 Q. How?

15 A. Through more people being aware of the  
16 game.

09:54:00

17 Q. No matter which platform they ultimately  
18 played it on?

19 A. Well, the marketing would have been  
20 targeted at iOS users.

09:54:14

21 Q. One of the significant elements of  
22 Fortnite is cross-platform play, correct?

23 A. Yes.

24  
25

Page 50

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(Exhibit 188 was marked for

identification by the court reporter and is

attached hereto.)

09:56:03

Page 51

1 Q. (By Mr. Doren) Mr. Rein, while you 09:56:08

2 review that, I will describe for the record that

3 this Exhibit 188 is a two-page document which

4 contains an email string, and the first page of the

5 exhibit is EPIC\_00010165. 09:56:18

6 Please take a moment and review that

7 document.

8 THE DEPONENT: Yup. I've reviewed it.

9 Q. (By Mr. Doren) Thank you very much, sir.

10 First of all, do you recognize this as an 09:57:02

11 email chain in which you participated including

12 various Epic colleagues on January -- from

13 January 17th, 2018?

14 A. Yes.

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7

8 Q. In 2019 Epic hosted a virtual concert  
9 with the DJ named Marshmello, correct?

10 A. I believe it was in 2019, yes. 10:18:54

11 Q. But you recall the event, correct?

12 A. I recall the event. I don't recall the  
13 exact date.

14 Q. Thank you.

15 And can you describe what the event was, 10:19:02  
16 please.

17 A. The Marshmello concert was an in-game  
18 event where we had the Marshmello character doing a  
19 show and to Marshmello music.

20 Q. And for those of us that aren't quite as 10:19:20  
21 hip as others, what is Marshmello? Or who is  
22 Marshmello?

23 A. He's a famous DJ artist.

24 Q. And did Epic consider this to be a major  
25 event? 10:19:36

1 A. Yes, I believe we did. 10:19:38  
2 Q. And when you say it was "an in-game  
3 experience," was it within Fortnite?  
4 A. It was within Fortnite.  
5 Q. And was it available on all platforms? 10:19:47  
6 A. Yes, I believe it was.  
7 Q. Meaning mobile and consoles and PCs?  
8 A. Yes, whatever -- within Fortnite.  
9 Wherever you played it.  
10 Q. Was it available on the web-based 10:20:07  
11 versions of Fortnite?  
12 A. What web-based versions of Fortnite?  
13 Q. Those available, for example, through  
14 GeForce?  
15 A. It should have been, yes. 10:20:22  
16 Q. Thank you.  
17 And did viewers purchase tickets to  
18 attend that event?  
19 A. No.  
20 Q. It was free? 10:20:30  
21 A. It was a free event.  
22 Q. And did Apple offer marketing support for  
23 the Marshmello event?  
24 A. I believe they did.  
25 Q. And do you recall what it was? 10:20:47

1 A. I believe they did some sort of featuring 10:20:52  
2 on the store.

3 Q. And when you say featuring on the store,  
4 what do you mean?

5 A. I think they wrote a story about it or 10:21:01  
6 placed a Fortnite imagery in -- in -- in a featured  
7 location on App Store.

8 Q. And do you recall any other marketing or  
9 promotion that Apple did with Epic around the  
10 event? 10:21:19

11 A. Apple Music did some advertising, some  
12 outdoor advertising, I believe.

13 Q. Do you recall?

14 A. And featured -- and featured music from  
15 the event in Apple Music. 10:21:32

16 Q. And did you consider that to be a benefit  
17 to Epic's profile?

18

19

20 THE DEPONENT: I -- it helped get more 10:21:49  
21 people to listen to the music that was from the  
22 Fortnite Marshmello concert, perhaps.

23 Q. (By Mr. Doren) And do you consider that  
24 to be a good thing?

25 A. If you like that kind of music, it's a 10:22:02

1 good thing, yes.

10:22:04

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11

12                   Exhibit 190 is a multipage email string,  
13                   the first page of which begins with an email from  
14                   Edward Zobrist to you and others sent on  
15                   January 30th, 2019. The document bears numbers           10:44:09  
16                   EPIC\_00193236 through 40.

17  
18  
19  
20  
21

22                   Q.     Mr. Rein, have you had an opportunity to  
23                   review Exhibit 190?

24                   A.     Yes.

25                   Q.     And do you recognize it as an email chain           10:47:57

Page 69

1 among various Epic employees, including yourself, 10:48:01

2 from January of 2019?

3 A. Yes.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9

10 You then go on and state: "With 11:02:07

11 controller support and if Apple gets behind  
12 promoting that, we could see huge growth on iOS."

13 Do you see that?

14 A. Yes. I wrote that.

15 Q. What did you mean by that statement? 11:02:18

16 A. I think I mean what it said. With  
17 control and support and if Apple gets behind  
18 promoting, we could see huge growth on iOS.

19  
20  
21  
22  
23  
24  
25

1

2           And you mentioned that -- and why is it a  
3       good thing to have Apple advertise your product?

4       A.   Any -- almost any advertising for your  
5       product is a good thing.

11:08:18

6       Q.   And Apple is a -- a well-known brand?

7       A.   Yes.

8       Q.   And a highly regarded brand?

9       A.   Yes.

10      Q.   And being affiliated with Apple is

11:08:28

11       beneficial to Epic?

12       A.   I believe it's beneficial to Fortnite  
13       when they are marketing Fortnite.

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

25

MR. DOREN: Sarah, let's, please, look at

11:26:55

Page 100

1 Tab 34, which is a document previously marked as

11:26:56

2 Exhibit 35.

3 THE DEPONENT: I'm looking at it.

4 Q. (By Mr. Doren) Great.

5 And, Mr. Rein, we will be talking about

11:27:35

6 the last paragraph in your email on page 1, and I'm

7 going to be asking you some questions about the

8 [REDACTED]

21

22

23

24

25

Page 101

1  
2  
3  
4  
5

6 Q. (By Mr. Doren) The first page of the  
7 exhibit begins with an April 15th, 2019, email from  
8 Mr. Rein.

9 Mr. Rein, you've had an opportunity to  
10 review Exhibit 35? 11:33:06

11 A. Yes.

12  
13

14 [REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]

21  
22  
23  
24  
25

1

2

3 Q. We've discussed earlier GeForce as -- as  
4 a web -- as a source for a web-accessible version  
5 of Fortnite, correct? 11:34:16

6 A. GeForce is a cloud streaming service that  
7 has Fortnite on it.

8 Q. And --

9 A. Or does now. Sorry.

10 Q. Thank you. 11:34:27

11 And we have in front of us documents  
12 discussing an initiative at Walmart called Project  
13 Storm back in April 2019, correct?

14 A. Yes.

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q. Is that a trend in gaming, the  
cloud-based streaming?

11:35:47

A. I don't know if I'd say it's a trend.  
There are companies attempting to do it.

Q. Do you consider that to be the future of  
gaming?

A. Not really.

11:36:02

1

2

1

1

1

1

1

1

1

1

1

1

1

1

15

16

17

18

19

20

21

22

23

24

25

Page 105

Veritext Legal Solutions  
866 299-5127

1

2

3

4 Q. (By Mr. Doren) Looking, please, at the

5 first page of Exhibit 35. And in the third

11:38:59

6 [REDACTED] [REDACTED]

7 [REDACTED]

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23 Q. (By Mr. Doren) It was -- it was what

24 they had to offer as -- as of April 15 as their

25 streaming service for you to try out; is that fair? 11:40:04

Page 107

A What I played in our office that date 11:40:02

2

[Home](#) | [About Us](#) | [Services](#) | [Contact Us](#)

[View Details](#) | [Edit](#) | [Delete](#)

**1** **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19** **20** **21** **22** **23** **24** **25** **26** **27** **28** **29** **30** **31** **32** **33** **34** **35** **36** **37** **38** **39** **40** **41** **42** **43** **44** **45** **46** **47** **48** **49** **50** **51** **52** **53** **54** **55** **56** **57** **58** **59** **60** **61** **62** **63** **64** **65** **66** **67** **68** **69** **70** **71** **72** **73** **74** **75** **76** **77** **78** **79** **80** **81** **82** **83** **84** **85** **86** **87** **88** **89** **90** **91** **92** **93** **94** **95** **96** **97** **98** **99** **100** **101** **102** **103** **104** **105** **106** **107** **108** **109** **110** **111** **112** **113** **114** **115** **116** **117** **118** **119** **120** **121** **122** **123** **124** **125** **126** **127** **128** **129** **130** **131** **132** **133** **134** **135** **136** **137** **138** **139** **140** **141** **142** **143** **144** **145** **146** **147** **148** **149** **150** **151** **152** **153** **154** **155** **156** **157** **158** **159** **160** **161** **162** **163** **164** **165** **166** **167** **168** **169** **170** **171** **172** **173** **174** **175** **176** **177** **178** **179** **180** **181** **182** **183** **184** **185** **186** **187** **188** **189** **190** **191** **192** **193** **194** **195** **196** **197** **198** **199** **200** **201** **202** **203** **204** **205** **206** **207** **208** **209** **210** **211** **212** **213** **214** **215** **216** **217** **218** **219** **220** **221** **222** **223** **224** **225** **226** **227** **228** **229** **230** **231** **232** **233** **234** **235** **236** **237** **238** **239** **240** **241** **242** **243** **244** **245** **246** **247** **248** **249** **250** **251** **252** **253** **254** **255** **256** **257** **258** **259** **260** **261** **262** **263** **264** **265** **266** **267** **268** **269** **270** **271** **272** **273** **274** **275** **276** **277** **278** **279** **280** **281** **282** **283** **284** **285** **286** **287** **288** **289** **290** **291** **292** **293** **294** **295** **296** **297** **298** **299** **300** **301** **302** **303** **304** **305** **306** **307** **308** **309** **310** **311** **312** **313** **314** **315** **316** **317** **318** **319** **320** **321** **322** **323** **324** **325** **326** **327** **328** **329** **330** **331** **332** **333** **334** **335** **336** **337** **338** **339** **340** **341** **342** **343** **344** **345** **346** **347** **348** **349** **350** **351** **352** **353** **354** **355** **356** **357** **358** **359** **360** **361** **362** **363** **364** **365** **366** **367** **368** **369** **370** **371** **372** **373** **374** **375** **376** **377** **378** **379** **380** **381** **382** **383** **384** **385** **386** **387** **388** **389** **390** **391** **392** **393** **394** **395** **396** **397** **398** **399** **400** **401** **402** **403** **404** **405** **406** **407** **408** **409** **410** **411** **412** **413** **414** **415** **416** **417** **418** **419** **420** **421** **422** **423** **424** **425** **426** **427** **428** **429** **430** **431** **432** **433** **434** **435** **436** **437** **438** **439** **440** **441** **442** **443** **444** **445** **446** **447** **448** **449** **450** **451** **452** **453** **454** **455** **456** **457** **458** **459** **460** **461** **462** **463** **464** **465** **466** **467** **468** **469** **470** **471** **472** **473** **474** **475** **476** **477** **478** **479** **480** **481** **482** **483** **484** **485** **486** **487** **488** **489** **490** **491** **492** **493** **494** **495** **496** **497** **498** **499** **500** **501** **502** **503** **504** **505** **506** **507** **508** **509** **510** **511** **512** **513** **514** **515** **516** **517** **518** **519** **520** **521** **522** **523** **524** **525** **526** **527** **528** **529** **530** **531** **532** **533** **534** **535** **536** **537** **538** **539** **540** **541** **542** **543** **544** **545** **546** **547** **548** **549** **550** **551** **552** **553** **554** **555** **556** **557** **558** **559** **560** **561** **562** **563** **564** **565** **566** **567** **568** **569** **570** **571** **572** **573** **574** **575** **576** **577** **578** **579** **580** **581** **582** **583** **584** **585** **586** **587** **588** **589** **590** **591** **592** **593** **594** **595** **596** **597** **598** **599** **600** **601** **602** **603** **604** **605** **606** **607** **608** **609** **610** **611** **612** **613** **614** **615** **616** **617** **618** **619** **620** **621** **622** **623** **624** **625** **626** **627** **628** **629** **630** **631** **632** **633** **634** **635** **636** **637** **638** **639** **640** **641** **642** **643** **644** **645** **646** **647** **648** **649** **650** **651** **652** **653** **654** **655** **656** **657** **658** **659** **660** **661** **662** **663** **664** **665** **666** **667** **668** **669** **670** **671** **672** **673** **674** **675** **676** **677** **678** **679** **680** **681** **682** **683** **684** **685** **686** **687** **688** **689** **690** **691** **692** **693** **694** **695** **696** **697** **698** **699** **700** **701** **702** **703** **704** **705** **706** **707** **708** **709** **710** **711** **712** **713** **714** **715** **716** **717** **718** **719** **720** **721** **722** **723** **724** **725** **726** **727** **728** **729** **730** **731** **732** **733** **734** **735** **736** **737** **738** **739** **740** **741** **742** **743** **744** **745** **746** **747** **748** **749** **750** **751** **752** **753** **754** **755** **756** **757** **758** **759** **760** **761** **762** **763** **764** **765** **766** **767** **768** **769** **770** **771** **772** **773** **774** **775** **776** **777** **778** **779** **780** **781** **782** **783** **784** **785** **786** **787** **788** **789** **790** **791** **792** **793** **794** **795** **796** **797** **798** **799** **800** **801** **802** **803** **804** **805** **806** **807** **808** **809** **8010** **8011** **8012** **8013** **8014** **8015** **8016** **8017** **8018** **8019** **8020** **8021** **8022** **8023** **8024** **8025** **8026** **8027** **8028** **8029** **8030** **8031** **8032** **8033** **8034** **8035** **8036** **8037** **8038** **8039** **8040** **8041** **8042** **8043** **8044** **8045** **8046** **8047** **8048** **8049** **8050** **8051** **8052** **8053** **8054** **8055** **8056** **8057** **8058** **8059** **8060** **8061** **8062** **8063** **8064** **8065** **8066** **8067** **8068** **8069** **8070** **8071** **8072** **8073** **8074** **8075** **8076** **8077** **8078** **8079** **8080** **8081** **8082** **8083** **8084** **8085** **8086** **8087** **8088** **8089** **8090** **8091** **8092** **8093** **8094** **8095** **8096** **8097** **8098** **8099** **80100** **80101** **80102** **80103** **80104** **80105** **80106** **80107** **80108** **80109** **80110** **80111** **80112** **80113** **80114** **80115** **80116** **80117** **80118** **80119** **80120** **80121** **80122** **80123** **80124** **80125** **80126** **80127** **80128** **80129** **80130** **80131** **80132** **80133** **80134** **80135** **80136** **80137** **80138** **80139** **80140** **80141** **80142** **80143** **80144** **80145** **80146** **80147** **80148** **80149** **80150** **80151** **80152** **80153** **80154** **80155** **80156** **80157** **80158** **80159** **80160** **80161** **80162** **80163** **80164** **80165** **80166** **80167** **80168** **80169** **80170** **80171** **80172** **80173** **80174** **80175** **80176** **80177** **80178** **80179** **80180** **80181** **80182** **80183** **80184** **80185** **80186** **80187** **80188** **80189** **80190** **80191** **80192** **80193** **80194** **80195** **80196** **80197** **80198** **80199** **80200** **80201** **80202** **80203** **80204** **80205** **80206** **80207** **80208** **80209** **80210** **80211** **80212** **80213** **80214** **80215** **80216** **80217** **80218** **80219** **80220** **80221** **80222** **80223** **80224** **80225** **80226** **80227** **80228** **80229** **80230** **80231** **80232** **80233** **80234** **80235** **80236** **80237** **80238** **80239** **80240** **80241** **80242** **80243** **80244** **80245** **80246** **80247** **80248** **80249** **80250** **80251** **80252** **80253** **80254** **80255** **80256** **80257** **80258** **80259** **80260** **80261** **80262** **80263** **80264** **80265** **80266** **80267** **80268** **80269** **80270** **80271** **80272** **80273** **80274** **80275** **80276** **80277** **80278** **80279** **80280** **80281** **80282** **80283** **80284** **80285** **80286** **80287** **80288** **80289** **80290** **80291** **80292** **80293** **80294** **80295** **80296** **80297** **80298** **80299** **80300** **80301** **80302** **80303** **80304** **80305** **80306** **80307** **80308** **80309** **80310** **80311** **80312** **80313** **80314** **80315** **80316** **80317** **80318** **80319** **80320** **80321** **80322** **80323** **80324** **80325** **80326** **80327** **80328** **80329** **80330** **80331** **80332** **80333** **80334** **80335** **80336** **80337** **80338** **80339** **80340** **80341** **80342** **80343** **80344** **80345** **80346** **80347** **80348** **80349** **80350** **80351** **80352** **80353** **80354** **80355** **80356** **80357** **80358** **80359** **80360** **80361** **80362** **80363** **80364** **80365** **80366** **80367** **80368** **80369** **80370** **80371** **80372** **80373** **80374** **80375** **80376** **80377** **80378** **80379** **80380** **80381** **80382** **80383** **80384** **80385** **80386** **80387** **80388** **80389** **80390** **80391** **80392** **80393** **80394** **80395** **80396** **80397** **80398** **80399** **80400** **80401** **80402** **80403** **80404** **80405** **80406** **80407** **80408** **80409** **80410** **80411** **80412** **80413** **80414** **80415** **80416** **80417** **80418** **80419** **80420** **80421** **80422** **80423** **80424** **80425** **80426** **80427** **80428** **80429** **80430** **80431** **80432** **80433** **80434** **80435** **80436** **80437** **80438** **80439** **80440** **80441** **80442** **80443** **80444** **80445** **80446** **80447** **80448** **80449** **80450** **80451** **80452** **80453** **80454** **80455** **80456** **80457** **80458** **80459** **80460** **80461** **80462** **80463** **80464** **80465** **80466** **80467** **80468** **80469** **80470** **80471** **80472** **80473** **80474** **80475** **80476** **80477** **80478** **80479** **80480** **80481** **80482** **80483** **80484** **80485** **80486** **80487** **80488** **80**

[View Details](#) | [Edit](#) | [Delete](#)

---

For more information about the National Institute of Child Health and Human Development, please visit our website at [www.nichd.nih.gov](http://www.nichd.nih.gov).

[View Details](#) | [Edit](#) | [Delete](#)

For more information about the study, please contact Dr. Michael J. Hwang at (310) 206-6500 or via email at [mhwang@ucla.edu](mailto:mhwang@ucla.edu).

For more information about the study, please contact Dr. John Smith at (555) 123-4567 or via email at [john.smith@researchinstitute.org](mailto:john.smith@researchinstitute.org).

[View Details](#) | [Edit](#) | [Delete](#)

[View Details](#) | [Edit](#) | [Delete](#)

1 [REDACTED]  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Page 109

Veritext Legal Solutions  
866 299-5127

1

2

3

4 Q. Do you know what factors went into  
5 setting the 12 percent commission level?

11:42:45

6 A. Yes.

7 Q. What do you know about that?

8 A. The -- the cost of operating the service  
9 went into -- was one of the factors in deciding  
10 what was a fair amount to charge.

11:43:05

11 Q. And when you say cost of operating the  
12 service, what service are you referring to?

13 A. The service of -- that we provide to --  
14 to games that are sold in the Epic Games Store.

15 Q. You mean the payment processing service  
16 or do you mean something more than that?

11:43:22

17 A. I'm -- payment processing would be one of  
18 the costs.

19 Q. What other costs went into it?

20 A. Some of the others could be the -- the  
21 actual distribution cost, the internet bandwidth  
22 cost, the -- you know, the -- the cost of  
23 maintaining it.

11:43:36

24 Q. Maintaining the store?

25 A. Yes.

11:43:54

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(Exhibit 198 was marked for

identification by the court reporter and is

attached hereto.)

Q (By Mr. Doren) Mr. Rein, you are

12:23:32

Page 129

1 presented with Exhibit 198, which is a three-page 12:23:35  
2 document which contains an email chain. The first  
3 email on the document at the top of the first page  
4 is dated March 14th, 2018 from Canon Pence to  
5 Daniel Vogel, with cc's to others, including 12:23:59  
6 yourself. The document bears Bates  
7 No. EPIC\_01919888, et cetera.  
8 Please take a moment and review this  
9 document.  
10 A. Okay. I reviewed it. 12:24:57  
11 Q. Mr. Rein, you had an opportunity to  
12 review Exhibit 198?  
13 A. Yes.  
14 Q. And is this an email string that you  
15 received on March 14th, 2018 from Mr. Pence? 12:25:05  
16 A. It appears to be, yes.  
17  
18  
19  
20  
21  
22  
23  
24  
25