

VOLUME: I  
PAGES: 1-205  
EXHIBITS: 1-31

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

No. 1:23-cv-11277-ADB

\*\*\*\*\*

SHARKNINJA OPERATING LLC AND \*  
SHARKNINJA SALES COMPANY, \*  
Plaintiffs and \*  
Counterclaim Defendants \*

vs. \*

DYSON, INC. AND DYSON TECHNOLOGY \*  
LIMITED, \*  
Defendants and \*  
Counterclaim Plaintiffs \*

\*\*\*\*\*

HIGHLY CONFIDENTIAL  
ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION of ANTHONY MARRA

Thursday, May 30, 2024  
9:04 a.m.

Held at: Wilmer Hale  
60 State Street  
Boston, Massachusetts

----- Megan M. Castro, RPR, Court Reporter -----

|    |                                      |          |
|----|--------------------------------------|----------|
| 1  | [REDACTED]                           | 09:45:06 |
| 2  | [REDACTED]                           | 09:45:11 |
| 3  | [REDACTED]                           | 09:45:17 |
| 4  | [REDACTED]                           | 09:45:20 |
| 5  | [REDACTED]                           | 09:45:32 |
| 6  | [REDACTED]                           | 09:45:40 |
| 7  | [REDACTED]                           | 09:45:42 |
| 8  | [REDACTED]                           | 09:45:51 |
| 9  | [REDACTED]                           | 09:45:56 |
| 10 | [REDACTED]                           | 09:46:00 |
| 11 | [REDACTED]                           | 09:46:02 |
| 12 | [REDACTED]                           | 09:46:05 |
| 13 | [REDACTED]                           | 09:46:09 |
| 14 | [REDACTED]                           | 09:46:10 |
| 15 | [REDACTED]                           | 09:46:18 |
| 16 | [REDACTED]                           | 09:46:18 |
| 17 | [REDACTED]                           | 09:46:23 |
| 18 | [REDACTED]                           | 09:46:25 |
| 19 | [REDACTED]                           | 09:46:29 |
| 20 | [REDACTED]                           | 09:46:35 |
| 21 | [REDACTED]                           | 09:46:37 |
| 22 | [REDACTED]                           | 09:46:38 |
| 23 | Q. Does the Dyson Airwrap also allow | 09:46:42 |
| 24 | one-handed operation while curling?  | 09:46:46 |

|    |                                          |          |
|----|------------------------------------------|----------|
| 1  | ATTORNEY BUROKER: Objection.             | 09:46:48 |
| 2  | Outside the scope.                       | 09:46:50 |
| 3  | A. It does.                              | 09:46:50 |
| 4  | BY ATTORNEY STEADMAN:                    | 09:46:51 |
| 5  | Q. Does the Dyson Airwrap also allow for | 09:46:51 |
| 6  | fast curling?                            | 09:46:54 |
| 7  | A. It does.                              | 09:46:54 |
| 8  | Q. Does the Dyson Airwrap also allow for | 09:46:56 |
| 9  | no heat damage to the hair while you are | 09:47:00 |
| 10 | curling?                                 | 09:47:03 |
| 11 | A. That is my understanding, yes.        | 09:47:04 |
| 12 | Q. Does the Dyson Airwrap also allow you | 09:47:05 |
| 13 | to curl while you dry?                   | 09:47:07 |
| 14 | A. Yes, it does.                         | 09:47:09 |
| 15 | [REDACTED]                               | 09:47:10 |
| 16 | [REDACTED]                               | 09:47:13 |
| 17 | [REDACTED]                               | 09:47:16 |
| 18 | [REDACTED]                               | 09:47:17 |
| 19 | [REDACTED]                               | 09:47:52 |
| 20 | [REDACTED]                               | 09:47:52 |
| 21 | [REDACTED]                               | 09:47:54 |
| 22 | [REDACTED]                               | 09:47:54 |
| 23 | [REDACTED]                               | 09:47:54 |
| 24 | [REDACTED]                               | 09:47:59 |

|    |                                        |          |
|----|----------------------------------------|----------|
| 1  | [REDACTED]                             | 10:48:00 |
| 2  | [REDACTED]                             | 10:48:01 |
| 3  | [REDACTED]                             | 10:48:01 |
| 4  | [REDACTED]                             | 10:48:07 |
| 5  | [REDACTED]                             | 10:48:10 |
| 6  | [REDACTED]                             | 10:48:10 |
| 7  | [REDACTED]                             | 10:48:14 |
| 8  | [REDACTED]                             | 10:48:16 |
| 9  | [REDACTED]                             | 10:48:18 |
| 10 | [REDACTED]                             | 10:48:19 |
| 11 | [REDACTED]                             | 10:48:21 |
| 12 | [REDACTED]                             | 10:48:25 |
| 13 | [REDACTED]                             | 10:48:26 |
| 14 | [REDACTED]                             | 10:48:44 |
| 15 | [REDACTED]                             | 10:48:47 |
| 16 | [REDACTED]                             | 10:48:49 |
| 17 | [REDACTED]                             | 10:48:49 |
| 18 | [REDACTED]                             | 10:48:53 |
| 19 | [REDACTED]                             | 10:48:54 |
| 20 | Q. Do you agree that the Dyson Airwrap | 10:48:54 |
| 21 | was a commercial success?              | 10:48:56 |
| 22 | ATTORNEY BUROKER: Objection.           | 10:48:57 |
| 23 | Foundation and outside the scope.      | 10:48:59 |
| 24 | A. I do believe the Airwrap has been   | 10:48:59 |

|    |                       |          |
|----|-----------------------|----------|
| 1  | successful.           | 10:49:02 |
| 2  | [REDACTED]            | 10:49:38 |
| 3  | [REDACTED]            | 10:49:38 |
| 4  | [REDACTED]            | 10:49:41 |
| 5  | [REDACTED]            | 10:49:41 |
| 6  | [REDACTED] [REDACTED] | 10:49:41 |
| 7  | [REDACTED]            | 10:49:46 |
| 8  | [REDACTED]            | 10:49:48 |
| 9  | [REDACTED] [REDACTED] | 10:49:51 |
| 10 | [REDACTED]            | 10:49:57 |
| 11 | [REDACTED] [REDACTED] | 10:50:01 |
| 12 | [REDACTED] [REDACTED] | 10:50:04 |
| 13 | [REDACTED]            | 10:50:07 |
| 14 | [REDACTED]            | 10:50:12 |
| 15 | [REDACTED] [REDACTED] | 10:50:14 |
| 16 | [REDACTED]            | 10:50:20 |
| 17 | [REDACTED] [REDACTED] | 10:50:21 |
| 18 | [REDACTED]            | 10:50:28 |
| 19 | [REDACTED] [REDACTED] | 10:50:32 |
| 20 | [REDACTED]            | 10:50:40 |
| 21 | [REDACTED]            | 10:50:44 |
| 22 | [REDACTED] [REDACTED] | 10:50:45 |
| 23 | [REDACTED] [REDACTED] | 10:50:50 |
| 24 | [REDACTED]            | 10:50:53 |

|    |                                          |          |
|----|------------------------------------------|----------|
| 1  | [REDACTED]                               | 11:02:46 |
| 2  | Q. Did the Dyson Airwrap receive the     | 11:02:47 |
| 3  | same kind of industry praise when it was | 11:02:49 |
| 4  | introduced?                              | 11:02:52 |
| 5  | ATTORNEY BUROKER: Objection.             | 11:02:53 |
| 6  | Outside the scope and vague.             | 11:02:53 |
| 7  | A. I believe it has received praise.     | 11:02:55 |
| 8  | [REDACTED]                               | 11:03:00 |
| 9  | [REDACTED]                               | 11:03:00 |
| 10 | [REDACTED]                               | 11:03:02 |
| 11 | [REDACTED]                               | 11:03:05 |
| 12 | [REDACTED]                               | 11:03:07 |
| 13 | [REDACTED]                               | 11:03:11 |
| 14 | [REDACTED]                               | 11:03:13 |
| 15 | [REDACTED]                               | 11:03:14 |
| 16 | [REDACTED]                               | 11:03:17 |
| 17 | [REDACTED]                               | 11:03:18 |
| 18 | [REDACTED]                               | 11:03:19 |
| 19 | [REDACTED]                               | 11:03:19 |
| 20 | [REDACTED]                               | 11:03:24 |
| 21 | [REDACTED]                               | 11:03:32 |
| 22 | [REDACTED]                               | 11:03:37 |
| 23 | [REDACTED]                               | 11:03:39 |
| 24 | [REDACTED]                               | 11:03:43 |

|    |                                            |          |
|----|--------------------------------------------|----------|
| 1  | [REDACTED]                                 | 11:03:44 |
| 2  | [REDACTED]                                 | 11:03:45 |
| 3  | [REDACTED]                                 | 11:03:52 |
| 4  | Q. And that is also true of the Dyson      | 11:03:55 |
| 5  | Airwrap. When the Dyson Airwrap was        | 11:03:57 |
| 6  | introduced, it also went viral, using your | 11:04:00 |
| 7  | definition. Right?                         | 11:04:01 |
| 8  | A. I don't recall exactly at the time      | 11:04:02 |
| 9  | when it launched, but it could have.       | 11:04:03 |
| 10 | Q. You don't have any reason to think      | 11:04:05 |
| 11 | that it didn't, do you?                    | 11:04:07 |
| 12 | A. I have no reason to think that it       | 11:04:09 |
| 13 | didn't.                                    | 11:04:11 |
| 14 | Q. Did the Dyson Airwrap, to your          | 11:04:12 |
| 15 | knowledge, receive any praise from others? | 11:04:13 |
| 16 | ATTORNEY BUROKER: Objection.               | 11:04:15 |
| 17 | Outside the scope and foundation.          | 11:04:17 |
| 18 | A. You are asking about the Airwrap?       | 11:04:17 |
| 19 | BY ATTORNEY STEADMAN:                      | 11:04:17 |
| 20 | Q. Yes.                                    | 11:04:17 |
| 21 | A. Did it receive praise?                  | 11:04:22 |
| 22 | Q. Yes.                                    | 11:04:24 |
| 23 | A. Yes, it has received praise.            | 11:04:24 |
| 24 | [REDACTED]                                 | 11:05:04 |

1 t [REDACTED] 12:58:48  
2 [REDACTED] 12:58:53  
3 [REDACTED] 12:58:57  
4 [REDACTED] 12:58:59  
5 (Exhibit 22, SharkNinja 2023 Annual 12:59:15  
6 Report extract, marked for 12:59:15  
7 identification.) 12:59:15  
8 (Exhibit 22A, SharkNinja 2023 Annual 12:59:15  
9 Report extract, marked for 12:59:15  
10 identification.) 12:59:16  
11 BY ATTORNEY STEADMAN: 12:59:16  
12 Q. So I am going to hand you Exhibit 12:59:17  
13 Marra 22 and Marra 22A. 12:59:25  
14 The reason I did it this way is this 12:59:29  
15 is a 600-page document if you print it all 12:59:43  
16 out, and I didn't want to carry it all. 12:59:46  
17 So this is excerpts of SharkNinja's 12:59:48  
18 2023 annual report. 12:59:51  
19 A. Okay. 12:59:51  
20 Q. Are you familiar with the annual 12:59:53  
21 report? 12:59:55  
22 A. I don't think I have read it cover to 12:59:55  
23 cover, but I am familiar with it. 13:00:00  
24 Q. You are generally familiar with it? 13:00:00

|    |                                                |          |
|----|------------------------------------------------|----------|
| 1  | A. Yes.                                        | 13:00:03 |
| 2  | Q. And you understand there is sort of a       | 13:00:04 |
| 3  | letter from Mark Barrocas, and it is followed  | 13:00:05 |
| 4  | by a Form 20F, which is the form formal kind   | 13:00:08 |
| 5  | of securities reporting that Shark does to the | 13:00:11 |
| 6  | securities market. Right?                      | 13:00:15 |
| 7  | A. Okay.                                       | 13:00:16 |
| 8  | Q. And it is important that these              | 13:00:17 |
| 9  | securities filings be accurate. Right?         | 13:00:21 |
| 10 | ATTORNEY BUROKER: Objection.                   | 13:00:23 |
| 11 | Outside the scope.                             | 13:00:25 |
| 12 | A. I would imagine they need to be             | 13:00:25 |
| 13 | accurate.                                      | 13:00:30 |
| 14 | BY ATTORNEY STEADMAN:                          | 13:00:30 |
| 15 | Q. As an executive of the company, you         | 13:00:30 |
| 16 | certainly understand that the securities       | 13:00:33 |
| 17 | reporting from Shark to the market has to be   | 13:00:36 |
| 18 | accurate. Right?                               | 13:00:39 |
| 19 | ATTORNEY BUROKER: Same objection.              | 13:00:40 |
| 20 | A. Yes.                                        | 13:00:41 |
| 21 | BY ATTORNEY STEADMAN:                          | 13:00:41 |
| 22 | Q. So if you look at the small type,           | 13:00:42 |
| 23 | which is coming from the Form 20F, and you     | 13:00:46 |
| 24 | look at page 49, under business overview.      | 13:00:52 |

|    |                                                |          |
|----|------------------------------------------------|----------|
| 1  | 49 is the second page of 22A.                  | 13:00:55 |
| 2  | A. Okay. 22A.                                  | 13:01:09 |
| 3  | Q. Under business overview, one of the         | 13:01:13 |
| 4  | things that SharkNinja tells the market about  | 13:01:18 |
| 5  | its business is that "We have successfully     | 13:01:22 |
| 6  | gained market share across geographies, taking | 13:01:25 |
| 7  | share from competitors priced both above and   | 13:01:29 |
| 8  | below our offerings."                          | 13:01:32 |
| 9  | Right?                                         | 13:01:35 |
| 10 |                                                | 13:01:35 |
| 11 | A. Yes.                                        | 13:01:35 |
| 12 | Q. Okay. On the next page, 50, under           | 13:01:36 |
| 13 | "Trusted global brands with large and growing  | 13:01:42 |
| 14 | market share," another thing that Shark tells  | 13:01:44 |
| 15 | the market is "We aim to acquire market share  | 13:01:47 |
| 16 | from higher- and lower-priced competitors."    | 13:01:54 |
| 17 | Right?                                         | 13:01:57 |
| 18 | ATTORNEY BUROKER: Objection.                   | 13:01:58 |
| 19 | Outside the scope.                             | 13:01:58 |
| 20 | Go ahead.                                      | 13:01:59 |
| 21 | A. Where is that?                              | 13:02:00 |
| 22 | BY ATTORNEY STEADMAN:                          | 13:02:00 |
| 23 | Q. It is right here on page 50.                | 13:02:01 |
| 24 | A. Yes, I see that.                            | 13:02:09 |

|    |    |                                               |          |
|----|----|-----------------------------------------------|----------|
| 1  | Q. | Is it true, isn't it, that Shark aims         | 13:02:09 |
| 2  |    | to acquire market share from higher- and      | 13:02:15 |
| 3  |    | lower-priced competitors?                     | 13:02:17 |
| 4  | A. | Yes.                                          | 13:02:19 |
| 5  | Q. | And one of those competitors is               | 13:02:19 |
| 6  |    | Dyson. Right?                                 | 13:02:23 |
| 7  | A. | Yes.                                          | 13:02:23 |
| 8  | Q. | Now, I didn't ask you about it when           | 13:02:24 |
| 9  |    | we started this morning, but you understand   | 13:03:06 |
| 10 |    | that on some topics, you are here on your     | 13:03:09 |
| 11 |    | individual capacity and other topics you are  | 13:03:12 |
| 12 |    | here speaking as the corporate representative | 13:03:14 |
| 13 |    | of SharkNinja. Correct?                       | 13:03:16 |
| 14 | A. | I do.                                         | 13:03:17 |
| 15 | Q. | And I think you brought a sheet with          | 13:03:20 |
| 16 |    | you to remind you which topics you were       | 13:03:23 |
| 17 |    | designated for and which ones you weren't?    | 13:03:25 |
| 18 | A. | Yes. I have some reference points             | 13:03:28 |
| 19 |    | there.                                        | 13:03:30 |
| 20 | Q. | Fair enough.                                  | 13:03:30 |
| 21 |    | [REDACTED]                                    |          |
| 22 |    | [REDACTED]                                    |          |
| 23 |    | [REDACTED]                                    |          |
| 24 |    | [REDACTED]                                    |          |

CERTIFICATE

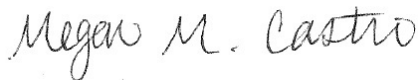
Commonwealth of Massachusetts

Suffolk, ss.

I, Megan M. Castro, Registered  
Professional Reporter and Notary Public in and for  
the Commonwealth of Massachusetts, do hereby  
certify:

That ANTHONY MARRA, the witness whose  
deposition is hereinbefore set forth, was duly  
sworn by me and that such deposition is a true  
record of the testimony given by the said witness.

IN WITNESS WHEREOF, I have hereunto set  
my hand on June 6, 2024.



Megan M. Castro  
Registered Professional Reporter  
Certified Shorthand Reporter No. 152614

My Commission expires:  
July 22, 2027