

Dale M. Cendali  
Claudia Ray  
Bonnie L. Jarrett  
KIRKLAND & ELLIS LLP  
601 Lexington Avenue  
New York, New York 10022

Perry J. Viscounty  
LATHAM & WATKINS LLP  
140 Scott Drive  
Menlo Park, CA 94025

Jennifer L. Barry  
LATHAM & WATKINS LLP  
600 West Broadway, Suite 1800  
San Diego, CA 92101-3375

*Attorneys for Defendant*  
APPLE INC.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

J.T. COLBY & COMPANY, INC. d/b/a BRICK  
TOWER PRESS, J. BOYLSTON & COMPANY,  
PUBLISHERS LLC and IPICTUREBOOKS LLC,

Plaintiffs,

- against -

APPLE, INC.,

Defendant.

Case No. 11-CIV-4060 (DLC)

ECF Case

**DEFENDANT’S NOTICE OF MOTION FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, upon the accompanying Declarations of Bonnie L. Jarrett, Esq., Dr. Gregory S. Carpenter, Philip G. Hampton, Esq., Dr. E. Deborah Jay, Siegrun D. Kane, Esq., and Dr. Stephen M. Nowlis, declared to on December 21, 2012, and the accompanying memorandum of law and 56.1 statement of undisputed facts, the undersigned will move before the Honorable Denise L. Cote, Judge of the District Court for the Southern District of New York, at the United States District Courthouse, located at 500 Pearl Street, New York, NY, at a time and place to be scheduled by this Court, for an order granting Defendant Apple Inc.'s ("Apple") motion for summary judgment to dismiss the Amended and Supplemental Complaint of Plaintiffs J.T. Colby & Co., Inc. d/b/a Brick Tower Press, J. Boylston & Co., Publishers LLC, and ipicturebooks LLC (collectively, "Plaintiffs") (the "Complaint"), in its entirety.

Date: December 21, 2012

Respectfully submitted,

*s/ Dale M. Cendali*

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Dale M. Cendali  
Claudia Ray  
Bonnie L. Jarrett  
KIRKLAND & ELLIS LLP  
601 Lexington Avenue  
New York, New York 10022  
Tel: 212-446-4800  
Fax: 212-446-4900

Perry J. Viscounty  
LATHAM & WATKINS LLP  
140 Scott Drive  
Menlo Park, CA 94025  
Tel: 714-540-1235  
Fax: 714-755-8290

Jennifer L. Barry  
LATHAM & WATKINS LLP  
600 West Broadway, Suite 1800  
San Diego, CA 92101-3375  
Tel: 619-236-1234  
Fax: 619-696-7419

ATTORNEYS FOR DEFENDANT