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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

**DECLARATION OF PHILIP G. HAMPTON, II IN SUPPORT OF  
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

I, Philip G. Hampton, declare as follows:

1. I am a member of the Bars of the State of New York, the District of Columbia and the United States Patent and Trademark Office and have been an intellectual property law attorney for more than thirty years. I served as the Assistant Commissioner for Trademarks at the PTO from December 9, 1993 through October 15, 1998. In private practice, I have managed trademark clearance work, prosecuted domestic and foreign trademark applications, conducted cancellation and opposition proceedings before the Trademark Trial and Appeal Board and litigated trademark infringement and unfair competition cases before various federal district courts.

2. I was retained by counsel on behalf of Defendant Apple Inc. to offer expert opinions in response to certain opinions presented by Robert T. Scherer in his Expert Report. My expert opinion is detailed in my Rebuttal Report, which is attached as **Exhibit 1**.

3. I declare under penalty of perjury under the laws of the United States that the contents of my expert reports as well as this declaration are either true to my knowledge or based upon information and belief.

Executed this 20th day of December, 2012 in Washington, DC

A handwritten signature in blue ink that reads "Philip G. Hampton, II". The signature is written in a cursive style and is positioned above a horizontal line.

Philip G. Hampton, II