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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 SIEGRUN D. KANE IN SUPPORT OF  
DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

I, Siegrun D. Kane, declare as follows:

1. I have been involved in the practice of intellectual property law with a primary concentration on trademark and unfair competition law for over 40 years. I received a B.A. degree cum laude from Mount Holyoke College in 1960 and a J.D. from Harvard Law School in 1963. I am the author of "Kane on Trademark Law: A Practitioners Guide" and I have authored numerous articles and made numerous presentations regarding trademark law to various organizations. Since 1988, I have been a member of the Advisory Board of the Bureau of National Affairs (BNA) Patent, Trademark & Copyright Journal. I also served as a member of the PTO Trademark Public Advisory Committee from 1989-1993, and again from 2002-2004.

2. I was retained by Kirkland & Ellis LLP to offer an opinion regarding Plaintiffs' fraud on the PTO allegations. In my opinion, (1) Apple did not make any false statements of fact or omit any material facts in the Section 7 Submission and the Section 8 and 9 Submission to the PTO (collectively, the "Submissions"); (2) Plaintiffs have not alleged any facts to the contrary; (3) the Submissions complied with the applicable statutes and regulations; and (4) the PTO reached an independent decision as to whether to accept Apple's Submissions. My complete opinion is detailed in my Expert 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 report as well as this declaration are either true to my knowledge or based upon information and belief.

Executed this 21st day of December, 2012 in Fort Lauderdale, Florida.

  
Siegrun D. Kane