

EXHIBIT 110

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,

Plaintiff,

vs.

Case No. 11-CIV4060 (DLC)

APPLE, INC.,

Defendant.

-----/

VIDEOTAPED DEPOSITION OF GRACE KVAMME

Redwood Shores, California

Tuesday, September 25, 2012

Reported by:

LORRIE L. MARCHANT, CSR No. 10523
RPR, CRR, CCRR, CLR

JOB NO. 53420

1 Q. -- when I said "little box."

2 A. Okay. Okay. Okay.

3 Q. So there was, Music, and then a little box;
4 App, then a little box; Podcast, and a little box;
5 right?

6 A. Okay.

7 Q. Is that right?

8 A. Yes, it was probably a check box.

9 Q. Did you ever see the survey as it was given
10 to respondents?

11 A. I reviewed the survey prior.

12 Q. And to the best of your recollection, were
13 there little boxes?

14 A. There's probably a check box of some sort.

15 Q. Okay. So one of the elements was, Book,
16 parentheses, audio book or iBook, close parentheses;
17 right?

18 A. To the best of my knowledge it was a book,
19 audio book or iBook.

20 Q. So you wanted to aggregate together audio
21 books and electronic books; right?

22 A. We wanted to clarify that by "book," here
23 it could be an audio book or an electronic book.

24 Q. And to signify electronic book, you wrote
25 iBook; right?

1 A. That was used in this particular case. You
2 know, it was early on. Since then, things have
3 more -- been more clarified in terms of how we use
4 that particular term.

5 Q. This was in August 2011; right?

6 A. Correct.

7 Q. Who wrote the survey?

8 A. It was a combination of myself and our
9 research agency, Socratic Technologies.

10 Q. Did anyone else at Apple review the survey
11 before it was presented to the survey respondents?

12 A. Yes. It was reviewed by our books team. I
13 remember Alex Bash and Keith Moore taking a look at
14 it.

15 Q. And they approved it before it was used?

16 A. They provided comments on it.

17 Q. And after their comments were incorporated,
18 or not, they approved it before it was used?

19 A. I don't know if they saw a final version,
20 but they -- their input was incorporated to the best
21 of my ability.

22 Q. And you approved it before it was used;
23 right?

24 A. I approved the survey before it went out.

25 Q. Please turn to the page bearing Bates

1 Would he have had a copy of the Keynote as
2 well so he could follow along?

3 A. I -- I might have sent it to him ahead of
4 time.

5 Q. Did you ever conduct a market survey on the
6 question of how consumers refer to electronic books?

7 A. Do you mean how a customer might describe
8 an electronic book, what word they would use?

9 Q. That's exactly what I mean.

10 A. No.

11 Q. Did you ever have internal discussions
12 regarding the terms that consumers use to describe
13 electronic books?

14 A. There was an internal discussion earlier
15 this year about all the terms that we use around
16 iBooks and iBookstore and with the objective of
17 wanting to clarify what each term meant and how we
18 use each term.

19 Q. Is that the meeting you described at the
20 beginning of your testimony today?

21 A. That was the meeting with Jen Robbins and
22 Jacob Bronstein and Rob McDonald that I described at
23 the beginning.

24 Q. Were there any other discussions, to the
25 best of your knowledge, within Apple concerning that