

**EXHIBIT 18**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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

Plaintiff,

vs.

No. 11-cv-4060

APPLE, INC.,

Defendant.

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CONFIDENTIAL

VIDEOTAPED DEPOSITION OF  
30(b)(6) JOHN T. COLBY, JR.

New York, New York

Wednesday, July 18, 2012

10:20 a.m.

Reported by:  
Jennifer Ocampo-Guzman, CRR, CLR

Ref: 7845

1 Confidential-Colby

2 Q. When were these radio  
3 advertisements placed?

4 A. These were the fall of '07.

5 Q. Where were these radio  
6 advertisements placed?

7 A. "Code Black" was in Minnesota,  
8 Portofino Deception in Connecticut and Chris'  
9 was either somewhere in Maryland or D.C.

10 Q. And in terms of the Preiss era,  
11 what radio advertisements were there, if any,  
12 that featured the iBooks mark?

13 A. I don't know.

14 Q. In terms of -- we've talked about  
15 print advertisements, we've talked about  
16 radio advertisements, are you aware of any  
17 television advertisements at any time that  
18 used the iBooks mark?

19 A. I'm not aware of any.

20 Q. Other than print, radio and  
21 television, are you aware of any other type  
22 of advertisement that featured the iBooks  
23 mark?

24 MR. CHATTORAJ: Objection.

25 A. We have an eBook ad which you also

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2 have a copy of on the hard drive.

3 Q. What do you mean by an "eBook ad"?

4 A. An ad advertising eBooks.

5 Q. And where did it appear?

6 A. Through one of our distribution  
7 channels customer database.

8 Q. Did it appear on the internet or --  
9 I don't understand when you say it appeared  
10 on one of your distributor's customer  
11 database?

12 A. One of our distributors sells  
13 eBooks to a variety of different places. And  
14 people interested in that genre fiction  
15 received a teaser ad advertising that genre  
16 of fiction.

17 Q. I see. And when was this?

18 A. It could have been '08, somewhere  
19 like that.

20 Q. And was this relating to a genre or  
21 a particular book?

22 A. It was a genre, a science fiction  
23 genre.

24 Q. Do you know where this ad was  
25 distributed to?

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2 A. As I mentioned earlier, my  
3 distributor -- my distribution channel  
4 distributed it.

5 Q. No, I understand that. But do you  
6 know to whom the distributor distributed it  
7 to?

8 A. I don't have access to this list.

9 Q. So the answer is no?

10 A. Right.

11 Q. Other than this eBook ad, are you  
12 aware of any other advertisement that bore  
13 the mark iBooks?

14 A. Amazon.com promotes within Amazon.

15 Q. How does it do that?

16 A. It does it through a co-op  
17 advertising program that we earn by sales to  
18 Amazon such that a percentage of our revenues  
19 or sales is co-oped where we contribute some  
20 money -- they contribute some money and they  
21 promote our titles within their database.

22 Q. And how much money has been spent  
23 on Amazon.com co-op ads since you've owned  
24 the iBooks mark?

25 A. Probably co-op money about \$30,000.

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2 Q. And that's from 2006 to the  
3 present; is that correct?

4 A. That's correct.

5 Q. Are there any other types of ads  
6 that you are aware of before the iBooks mark?

7 A. The trade show publications.

8 Q. Okay. Let's put a pin on it. Are  
9 you aware of any other consumer oriented  
10 advertisement that bore the iBooks mark?

11 MR. CHATTORAJ: Objection.

12 A. There may be some. I can't think  
13 of what they are right now.

14 Q. So in terms of the Preiss era, are  
15 you aware of any -- whether they had any  
16 Amazon.com co-op program?

17 A. Yes.

18 Q. What is your -- what are you aware  
19 of?

20 MR. CHATTORAJ: Objection.

21 A. That the distributor budgeted the  
22 co-op Amazon expenses based on sales through  
23 net distributor.

24 Q. Do you have any idea of how much  
25 was spent on Amazon.com co-op ads during the