

**EXHIBIT 28**

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3  
4 - - - - - x

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

10 Plaintiffs

Case No.:

11 V.

11-CIV4060

12 APPLE, INC.,

13 Defendant

14 - - - - - x

15  
16 Deposition of Richard S. Goldhor, Ph.D.

17  
18 Tuesday, January 31, 2012

19 9:58 a.m.

20  
21 Goodwin Procter, LLP

22 53 State Street

23 Boston, Massachusetts

24 Reported by: Deborah Roth, RPR/CSR

25 Job # 45894

1 would be a log and a record of the activity of  
2 development group. I mean, I do things in  
3 groups, but...

4 Q. Looking at Goldhor 6 again.

5 A. Uh-huh.

6 Q. Where would an ibook exist on the  
7 Internet?

8 A. Given the nature of the Internet, in  
9 some sense the best answer to that question  
10 may be at a URL, that is you fire up your  
11 browser, you type up a URL and you'd see  
12 something like this.

13 If you mean physically where would  
14 it be, it could be anywhere in the world.

15 Q. Would other users be able to contribute  
16 to an ibook like Vikram Travels or like  
17 Goldhor 6?

18 MS. RAY: Objection. Lack of  
19 foundation.

20 A. The general answer is yes, but that's  
21 an example of a licensing rule that Brian  
22 really struggled with and pondered over. He  
23 very much wanted most ibooks to be very open  
24 with lots of contributors. At the time, he  
25 acknowledged that it would be socially useful

1 to have some ibooks whose contributors were  
2 limited and whose viewers were limited and  
3 maybe different rules, and so he really worked  
4 to try to accommodate that whole set of needs.

5 But he was -- I think it's fair to  
6 say he was most interested in ibooks that had  
7 not only lots of viewers because by the time  
8 we were doing this, the web was up and  
9 available in a model that everyone understood,  
10 but in particular lots of contributors.

11 Q. In what ways was ibook software  
12 collaborative?

13 MS. RAY: Objection. Lack of  
14 foundation and form.

15 A. Authorization issues aside, that is  
16 without worrying about whether you had the  
17 privilege to do this or not, it was  
18 collaborative because it allowed multiple  
19 versions of contents to be created without  
20 destroying the earlier versions. It allowed  
21 multiple simultaneous alternative versions of  
22 content to exist, and it tracked and monitored  
23 and provided information about attribution.  
24 It would tell you who had created what content  
25 and when.

1 read a book or other content using that  
2 technology?

3 A. You mean if someone had created -- let  
4 me answer it this way. If someone had  
5 created, let's say, a novel, had written a  
6 novel using the ibook technology, then a user  
7 could access the ibook and read the novel just  
8 using that software.

9 Q. They could use the ibook software to  
10 look for material, find it, decide they wanted  
11 to read it and then read it using the  
12 software?

13 A. That's correct, yes.

14 Q. And if a user, in reading some content  
15 that they had found using the ibook software,  
16 decided that they wanted to add to or modify  
17 that content, for example, by adding a note,  
18 they could do that as well, correct?

19 A. If they had the appropriate  
20 permissions, they could, yes.

21 Q. I believe you mentioned that the ibook  
22 software was available as a free download,  
23 correct?

24 MS. SHEEHAN: Objection.

25 A. Well, from time to time and for various