

**EXHIBIT 29**

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 phones and tablet computers didn't exist yet,  
2 correct?

3 A. Certainly not in their present form.

4 Q. The ibook technology, including the  
5 ibook software, would allow users to read  
6 books created by other people, correct?

7 A. Any kind of content.

8 Q. Any kind of --

9 A. If someone had created a novel and put  
10 it up in -- using the ibook technology, then  
11 people could read that.

12 Q. The content that could be accessed  
13 using the ibook technology would include both  
14 text and visual material, correct?

15 A. Yes, that's correct.

16 Q. And I believe you testified that  
17 Mr. Reynolds did not envision any particular  
18 limitations on the type of content that could  
19 be accessed, correct?

20 MS. SHEEHAN: Objection.

21 A. That's correct. In general, it was  
22 intended to be very open-ended enabling  
23 technology that could be used for all sorts of  
24 things.

25 Q. The ibook technology, including the

1     ibook software, could have been used by  
2     individuals to make books they had written  
3     available to others, correct?

4         A.   Yes.

5         Q.   The ibook technology, including the  
6     ibook software, could be used by commercial  
7     publishers to make their books available to  
8     others, correct?

9         A.   The technology certainly could be used  
10    that way.  As I said, Brian struggled with the  
11    whole notion of commercial use, and at various  
12    times there were various limitations  
13    suggested.  But as far as the technology goes,  
14    this was technology that could be used either  
15    by an individual or an organization.

16        Q.   And as it was designed and made  
17    available, the ibook technology, including the  
18    ibook software, could really be used by  
19    anybody to make content available to others;  
20    is that correct?

21        A.   This is anyone who agreed to the  
22    licensing terms --

23        Q.   Assuming --

24        A.   -- and had a computer and access to the  
25    Internet.

1 Q. Assuming they had downloaded the  
2 software and agreed to the terms associated  
3 with the software, and then had it loaded onto  
4 some kind of device.

5 A. That's correct, with one caveat. I  
6 don't know how important it is, but Brian  
7 really strove to put in a requirement that it  
8 only be used for material that would advance  
9 the common good or something like that. He  
10 had language that might appear very  
11 idealistic, but he was quite serious about it.  
12 And so that was -- that limitation on the type  
13 of material would have been the only  
14 limitation.

15 Q. So that in terms of the subject matter,  
16 it sounds like of the content he had hopes for  
17 what it would be used for?

18 A. Yes.

19 Q. And you said that the ibooks  
20 technology -- excuse me, ibook technology,  
21 including the ibook software, could be used to  
22 support and create user-modifiable electronic  
23 books, correct?

24 A. Yes.

25 Q. Is it fair to say that a user could