

EXHIBIT 41

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 MR. CHATTORAJ: Understood.

3 Q. So now it looks like in terms of
4 your own sales since now, is it -- which of
5 your entities is making the sales of the
6 electronic versions of books bearing the
7 iBooks mark?

8 A. Ipicturebooks, LLC.

9 Q. And so you're keeping with what had
10 been going on in the Preiss era,
11 ipicturebooks, LLC is the entity that
12 receives the monies from electronic books,
13 whether they're bearing the marks iBooks or
14 ipicturebooks; is that right?

15 A. That's how I'm doing it. I'm not
16 100 percent sure Byron was doing it that way,
17 but that's the way I'm doing it.

18 Q. So you don't know which of Preiss'
19 entities received revenues from electronic
20 sales of iBooks or ipicturebooks; is that
21 right?

22 A. That's correct.

23 Q. So in terms of ipicturebooks, LLC,
24 sales of electronic books in 2009 were
25 approximately \$8,800, right, and they rose in