

EXHIBIT 42

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 sales of electronic books?

3 MR. CHATTORAJ: Objection.

4 A. In terms of sales, yeah, they look
5 pretty good.

6 Q. Because in 2001, there was \$446,000
7 approximately in sales of books bearing the
8 iBooks and ipicturebooks marks; is that
9 right?

10 A. I believe that was just one book
11 under ipicturebooks.

12 Q. What book was?

13 A. The Shrek CD-ROM.

14 Q. The Shrek CD-ROM, a CD-ROM is not
15 an electronic book, is it?

16 MR. CHATTORAJ: Objection.

17 A. Yes, it is.

18 Q. Well, let me put it this way: The
19 product the Shrek CD-ROM was a tie into the
20 movie "Shrek"; is that right?

21 A. That's correct.

22 Q. And was it a licensed product from
23 the makers of the movie?

24 A. That's correct.

25 Q. And the product was a CD-ROM that