

EXHIBIT 89

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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

J.T. COLBY, INC., et al.,
Plaintiffs,

vs.

CASE No. 11-CIV-4060

APPLE, INC.,
Defendants.

VIDEOTAPED DEPOSITION OF LISA WIDUP
REDWOOD SHORES, CALIFORNIA
FRIDAY, SEPTEMBER 21, 2012

BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CCRR, CLR
CSR LICENSE NO. 9830
JOB NO. 53419

1 declaration.

2 MR. CHATTORAJ: Q. And when you submit such
3 an application and declaration, are you aware that the
4 PTO may rely on the assertions of fact contained in
5 the application --

6 A Of course I am aware of that.

7 Q Just please let me finish the question.

8 A I'm sorry.

9 Q At the time that you submitted this
10 application and declaration, were you familiar with
11 Family Systems?

12 A So when I filed the application in April, was
13 I familiar with Family Systems?

14 Q Yes.

15 A I -- yes, I was familiar with the mark that
16 we had acquired from Family Systems.

17 Q Were you familiar with Family Systems itself?

18 A I didn't work on the clearance and the
19 acquisition. Tom did that. So I had very limited
20 understanding of Family Systems and who they were.

21 Q Did you have an understanding of Family
22 Systems' business as it had existed in 2009?

23 A I understood that they had an eReader
24 software under the IBOOK mark.

25 Q It was your understanding that Family Systems

1 marketed to the public an eReader software application
2 under the IBOOK mark?

3 A I'm not sure exactly what they did. But
4 that's my understanding, that they had a -- an IBOOK
5 trademark for eReader software.

6 Q Is that based on your personal knowledge or
7 on communications that you had, without specifying the
8 substance?

9 A It's based on communications.

10 Q So you -- did you ever personally visit the
11 Family Systems website in 2009?

12 A No.

13 Q Did you ever review printouts of the Family
14 Systems website in 2009?

15 A No.

16 Q Did you ever download any software that was
17 developed by Family Systems?

18 A I've never done that.

19 Q Did you ever use any software that had been
20 developed by Family Systems?

21 A No, I've never done that.

22 THE WITNESS: Can I get some more water?

23 THE VIDEOGRAPHER: I'll get you some more.

24 MR. CHATTORAJ: Do you want to take a break?

25 THE WITNESS: Only if it's going to take him