

EXHIBIT 98

HIGHLY CONFIDENTIAL
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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 4 J.T. COLBY & COMPANY, : Case Number
 INC. d/b/a BRICK TOWER : 11-CV-40260
 5 PRESS; J. BOYLSTON & : (DLC)
 COMPANY, PUBLISHERS LLC :
 6 and IPICTUREBOOKS :
 LLC, :
 7 Plaintiffs, :
 :
 8 vs. :
 :
 9 APPLE, INC., :
 Defendant. :

October 3, 2012

HIGHLY CONFIDENTIAL

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 15 Videotaped deposition of GLENN
 16 GUNDERSEN, ESQUIRE, taken at the offices of
 17 Veritext National Court Reporting Company,
 18 1801 Market Street, Suite 1800, Philadelphia,
 19 Pennsylvania 19103, beginning at 9:24 a.m.,
 20 before LINDA ROSSI RIOS, RPR, CCR and Notary
 21 Public.

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 23 - - -
 24 VERITEXT NATIONAL COURT REPORTING COMPANY
 MID-ATLANTIC REGION
 1801 Market Street - Suite 1800
 25 Philadelphia, Pennsylvania 19103

1 GLENN GUNDERSEN, ESQUIRE - HIGHLY CONFIDENTIAL
2 BY MR. CHATTORAJ:

3 Q. Are you aware of any search
4 being conducted for the Web site of iBooks,
5 Inc. other than the searches that are set
6 forth in Gundersen Exhibit 4?

7 A. As I said, upon finding the
8 information about Byron Preiss' business, we
9 would have conducted further searches looking
10 for further information and reported that
11 information to the client.

12 Q. And did you?

13 A. Did I do what?

14 Q. Conduct further searches
15 looking for further information and report
16 that information to the client?

17 A. Yes.

18 Q. And those searches are not
19 reflected in Gundersen Exhibit 4. Correct?

20 A. Well, to the extent that we
21 were searching for various uses of iBook
22 singular, they're reflected here. There were
23 further searches of iBooks plural and a
24 variety of other variations of that term that
25 were conducted by the search paralegal, by

1 GLENN GUNDERSEN, ESQUIRE - HIGHLY CONFIDENTIAL
2 Hal Borden and by me.

3 Q. Do any documents exist
4 reflecting the search for iBooks plural?

5 A. There are documents that are
6 part of the search advice.

7 Q. Other than documents that are
8 part of the search advice that you are
9 claiming privilege for, are there documents
10 reflecting the search results from the search
11 for iBooks plural?

12 A. I don't believe so.

13 MR. CHATTORAJ: I have no
14 further questions for the witness.

15 MS. CENDALI: Nor do I.

16 MR. CHATTORAJ: The deposition
17 stands adjourned with the usual
18 reservation of rights with respect to
19 discovery and the other issues that
20 counsel have discussed in previous
21 depositions. With that said, Mr.
22 Gundersen, I thank you for your time.

23 VIDEOGRAPHER: The time is 1910.
24 We are going off the video record.
25 This is the end of media four. The