



1 Description appears in the -- on the page.

2 It says:

3 "iBooks is an amazing way to download and  
4 read books designed exclusively for iPad."

5 A Oh, I can't read that. I -- it may say that.  
6 I can't read that very well. I don't know if it looks  
7 better in the Section 7 amendment.

8 Q Okay.

9 A Nope.

10 Q Well, I think that I can read it. I am going  
11 to read the text and -- actually, withdraw that.

12 MS. CENDALI: Do you have an earlier  
13 generation? This has been produced in discovery.  
14 This looks like a copy from the complaint that's a  
15 copy of a copy of a copy.

16 MR. CHATTORAJ: Let me ask a couple of  
17 questions, and then we can go off the record for a  
18 break, and I'll --

19 MS. CENDALI: Well, only if you need it.  
20 Maybe you don't need it.

21 MR. CHATTORAJ: Yeah, let's -- let's just see  
22 how it plays out.

23 Q Does reviewing this specimen -- thinking back  
24 over the process by which you prepared the filing,  
25 what in this specimen provides a factual basis for the

1 allegation that Apple was using the IBOOKS trademark  
2 in connection with the use in commerce of computer  
3 software used to support and create interactive  
4 user-modifiable electronic books in Class 9?

5 A Well, as you just talked about, it's hard to  
6 read the specimen. But I do remember preparing it,  
7 and I know what it is. And like I think I said, that  
8 it was a screen shot from the App Store showing the  
9 iBooks software available for download.

10 So, you know, if you're asking me what was  
11 my -- the facts for my basis to say that it was in use  
12 in commerce, the iBooks software does a lot of things.

13 It allows users to take an ePub file or  
14 whatever sort of electronic book file, and then create  
15 an electronic book that then you can then read on your  
16 iPad or on your iPhone through the iBooks software.  
17 It allows users to modify the book, interact with the  
18 book. They can highlight it. They can change the  
19 font. They can change the background to make it more  
20 readable.

21 They can highlight words to say, "Okay, I --  
22 you know, I don't know that word." And if you, you  
23 know, hold your finger on it, it pops up a thesaurus  
24 or a dictionary and pops you out to another  
25 application, where it will tell you what the word

1 means.

2 So, I mean, that's the software that Apple  
3 was using when I filed the Section 8 and 9, or that's  
4 the software that it was providing under the IBOOKS  
5 mark, to be more accurate.

6 Q You just testified that the iBooks software  
7 allows users to take an ePub file or whatever sort of  
8 electronic book file and then create an electronic  
9 book that you can then read on your iPad or on your  
10 iPhone through the iBooks software.

11 What did you mean when you said it allows the  
12 users to create an electronic book that you can then  
13 read on your iPad or on your iPhone through the iBooks  
14 software?

15 A Well, I mean, you know, a computer file is  
16 not a book; right? So the software lets you open up  
17 that computer file so you can then read the book. And  
18 then you've got a book now you can read, an electronic  
19 book.

20 Q So because the software allows the user to  
21 read a computer file as an electronic book, that --  
22 that's the basis for your allegation that the use of  
23 iBooks is in connection with computer software used to  
24 support and create interactive user-modifiable  
25 electronic books?

1 MS. CENDALI: Objection.

2 THE WITNESS: That's part of the reason.

3 MR. CHATTORAJ: Q. That's one of the  
4 reasons?

5 A Yeah.

6 Q It sounds like another reason was that users  
7 were able to highlight text in the books?

8 A That's one of the features that I was  
9 thinking about.

10 Q Another reason is that users were able to  
11 look up words, like, in a dictionary by tapping on a  
12 word; right?

13 A Uh-huh, uh-huh.

14 Q Anything else?

15 A Just the things I mentioned earlier, you  
16 know, changing the font and changing the background to  
17 make it easier to read.

18 You know, the iBooks -- if -- if we could  
19 read the specimen better, I could tell you all the  
20 things that it says.

21 But I can even see that, you know, if you  
22 click that "More" button that -- you know, or that  
23 text that's in the specimen when you're inside the App  
24 Store, it brings down a whole list of all the  
25 descriptions of all of the features and everything.