

1 IN THE UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
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5 J.T. COLBY, INC., et al.,
6 Plaintiffs,

7 vs. CASE No. 11-CIV-4060
8 APPLE, INC.,
9 Defendants.

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13 VIDEOTAPED DEPOSITION OF LISA WIDUP
14 REDWOOD SHORES, CALIFORNIA
15 FRIDAY, SEPTEMBER 21, 2012
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21 BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CCRR, CLR
22 CSR LICENSE NO. 9830
23 JOB NO. 53419
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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.