## **EXHIBIT** L

## EXPERT REPORT OF GREGORY S. CARPENTER

## IN THE MATTER OF

J. T. COLBY & COMPANY, INC. D/B/A BRICK TOWER PRESS, J. BOYLSTON & COMPANY, PUBLISHERS LLC AND IPICTUREBOOKS, LLC

VS.

APPLE INC.

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK NO. 11-CV-4060

September 17, 2012



FIGURE F. APPLE WEBSITE TO ACCESS IBOOKS

115. In contrast, when a consumer searches for an IBOOKS book at least two options seem plausible. One is visiting a physical bookstore like Barnes & Noble. In that case, as noted before the imprint plays at most a small role in consumer choice, there is no evidence of awareness of the IBOOKS imprint among consumers and no apparent reason why consumers would believe that Apple has begun publishing books, let alone books with a lightbulb logo. Apple does not create content the way a movie studio or book publisher does. It merely provides platforms for others to distribute their content.

116. Another way a consumer might encounter IBOOKS is to visit Amazon or a competing on-line retailer and search for books by entering "Ibooks, Inc." or entering "ibooks" in the publisher field. An example of such search results on Amazon is shown in Figure G. Plaintiffs' allegations of confusion suggest that a consumer seeing the IBOOKS imprint would conclude that Apple is the source of these books. Given the strength and clarity of the Apple