

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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

Plaintiffs,

-against-

APPLE INC.

Defendant.

Civil Case No.: 11-civ-4060 (DLC)

**REPLY DECLARATION OF  
PARTHA P. CHATTORAJ**

PARTHA P. CHATTORAJ, hereby declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a member in good standing of the Bar of this Court, and I am a member of the law firm Allegaert Berger & Vogel LLP, co-counsel for Plaintiffs in the above referenced matter. I make this Reply Declaration, based on my personal knowledge, in further support of Plaintiffs' Motion for Partial Summary Judgment against Defendant Apple Inc.

2. Attached hereto are full documents and, pursuant to Rule 5.2 of the ECF Rules & Instructions for the United States District Court for the Southern District of New York, effective January 30, 2013, relevant excerpts of more voluminous documents. The full versions of all excerpted documents have either been produced in full in this litigation, made available to opposing counsel for inspection, or are publicly available. Full versions of any excerpted documents will be made available to the Court upon request.

3. Attached hereto as Exhibit A is a true and correct copy of the Family Systems Internet home page that was available at the URL [www.ibook.com](http://www.ibook.com), as of February 10, 2010, which I retrieved from the Internet Archive on February 4, 2013. Similar pages, retrieved in mid-

2010, were attached to Plaintiffs' Amended and Supplemental Complaint, filed on May 11, 2012, as Exhibits T-W.

4. Attached hereto as Exhibit B is a true and correct copy of the Family Systems Internet home page that was available at the URL sites.ibook.com/ibook, as of January 26, 2010, which I retrieved from the Internet Archive on February 4, 2013, by following the link "About Ibook Systems" contained in the web page reflected in Exhibit A hereto. Similar pages, retrieved in mid-2010, were attached to Plaintiffs' Amended and Supplemental Complaint, filed on May 11, 2012, as Exhibits T-W.

5. Attached hereto as Exhibit C is a true and correct copy of the Amendment to Allege Use and appended specimens of use that were submitted by Family Systems' trademark counsel on or about November 6, 2000, in connection with the registration of the Family Systems IBOOK mark.

6. Attached hereto as Exhibit D is a true and correct copy of the Combined Declaration of Use and Incontestability, with appended specimen, filed by Family Systems' trademark counsel on or about March 15, 2011 in connection with its registered trademark VERBOL, U.S. Trademark Reg. No. 2,933,424. On January 30, 2013, I obtained this information and downloaded this document from the PTO's TSDR system, through searching in TESS, the PTO's trademark search system, available through the PTO's Internet website at the URL uspto.gov.

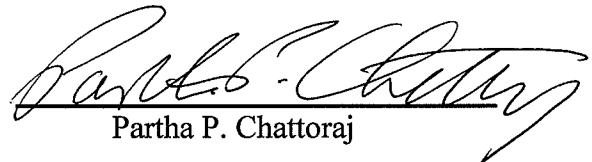
7. Attached hereto as Exhibit E is a true and correct copy of pages 1, and 261-263 from the transcript of the deposition of Thomas La Perle, taken in this matter on September 19, 2012.

8. Attached hereto as Exhibit F are true and correct copies of webpages currently available on the Family Systems website at pilot.verbol.com. On February 4, 2013, I located the website by searching the Internet search engine Google for the word "verbol." The first search result was the Family Systems website at www.verbol.com, and the second result was the pilot.verbol.com site. I retrieved the first three pages of Exhibit E by printing the home page of the website available at the URL pilot.verbol.com. I then retrieved the remaining pages of Exhibit E, which reflect a webpage entitled "Brian Reynolds iBook Identity Folder," at the URL <http://pilot.verbol.com/identity-ibook/brianreynolds/index.htm>, by following the hyperlink "Contributor: br" contained on page 1 of Exhibit E.

9. Attached hereto as Exhibit G is a true and correct copy of pages 1, 53, and 54 from the transcript of the deposition of Richard S. Goldhor, taken in this matter on January 31, 2012.

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: New York, New York  
February 5, 2013

  
Partha P. Chattoraj