

EXHIBIT E

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3

4 J.T. COLBY & COMPANY, INC.,
5 d/b/a BRICK TOWER PRESS,
6 J. BOYLSTON & COMPANY,
7 PUBLISHERS, LLC and
8 IPICTUREBOOKS, LLC,
9

Plaintiff,

vs.

Case No. 11-CIV4060 (DLC)

APPLE, INC.,

Defendant.
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12 HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER
13 Attorneys' Eyes Only Confidential Pages 300 - 302
14 VIDEOTAPED DEPOSITION OF THOMAS LA PERLE
15 30(b)(6) Capacity
16 Redwood Shores, California
17 Wednesday, September 19, 2012
18
19
20
21

22 Reported by:

23 LORRIE L. MARCHANT, CSR No. 10523
24 RPR, CRR, CCRR, CLR
25

JOB NO. 53418

1 such as Verbol, which is the name of the language
2 framework by which the ibook voice components
3 interact with the base ibook system, which itself is
4 an interactive Web site which responds to Verbol
5 commands to create and modify Web pages.

6 Do you see that there?

7 A. Yes.

8 Q. Is a fair characterization of this portion
9 of this document that Mr. Reynolds is indicating
10 that he could continue to engage in the same
11 projects and business under a different name?

12 MS. CENDALI: Objection. The document
13 speaks for itself.

14 You can answer.

15 THE WITNESS: It sounds like he's saying
16 that this new project that he's about to launch
17 could possibly use a different name.

18 BY MR. CHATTORAJ:

19 Q. The following paragraph, the second
20 sentence reads, I assume our internal sites could
21 retain their existing "ibook" domain name on our
22 internal network.

23 Do you see that there?

24 A. I'm sorry. Which paragraph are we looking
25 at?

1 Q. On the next paragraph after what I read
2 before. This is the --

3 A. We are in heavy use --

4 Q. That's exactly right. I'm referring to the
5 second sentence in that paragraph.

6 A. Okay.

7 Q. Is it your understanding today that Family
8 Systems has retained their existing "ibook" domain
9 name on their internal network?

10 A. No. That's -- my understanding is they've
11 transferred all their "iBook" domain names to Apple.

12 Q. Is it your understanding that they did so
13 within the transition period called for by the
14 acquisition agreement?

15 A. I believe so, but I -- I haven't checked
16 myself, but I believe that's true.

17 Q. But it's fair to say that somebody checked;
18 right?

19 A. Yes.

20 Q. Somebody employed by or acting on behalf of
21 Apple; right?

22 A. Yes.

23 Q. Did you ever receive any reports that
24 Family Systems is violating the terms of the
25 agreement?

1 A. Not that I'm aware of.

2 Q. The following paragraph reads, It was not
3 clear from talking to Brewster which of Family
4 Systems' ibooks -- sorry -- which of Family Systems'
5 ibook assets Apple are interested in. There are
6 multiple domain names and trademark registration, as
7 well as software technology and patents which
8 reference ibook systems.

9 Do you see that?

10 A. Yes.

11 Q. To the best of your knowledge, was Apple
12 interested in acquiring Family Systems' software
13 technology?

14 A. No.

15 Q. Was Apple interested in acquiring Family
16 Systems' patents?

17 A. No.

18 Q. Was Apple interested in acquiring Family
19 Systems' patents which reference ibook systems?

20 A. What do you mean by -- in the patent claims
21 they reference -- I'm not --

22 Q. I -- I have -- my question is oriented
23 exclusively toward the words on this page.

24 MS. CENDALI: Then objection as to form.

25 Vague.