

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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,

Plaintiff,

vs. Case No. 11-CIV4060 (DLC)

APPLE, INC.,

Defendant.

-----/

VIDEOTAPED DEPOSITION OF GRACE KVAMME

Redwood Shores, California

Tuesday, September 25, 2012

Reported by:

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

JOB NO. 53420

1 go through each of the three possibilities you
2 outlined.

3 Was it based on Apple's use of the term in
4 that way?

5 A. There were several terms that we were using
6 to describe digital books at that time: "Digital
7 books," "E-books," "iBooks" in this isolated case.
8 They were sort of interchangeable at the time. And
9 we subsequently clarified exactly what each of those
10 terms mean and how we should use them.

11 Q. Was the use of that term to signify
12 electronic books in those survey questions based on
13 your group's use of the term that way?

14 A. No.

15 Q. Was the use of the word "iBooks" to signify
16 electronic books in those survey questions based on
17 your own personal use of the term that way?

18 A. I used a variety of different terms to
19 describe digital books, and in this particular
20 survey, we were -- "iBooks" was the term that we
21 used.

22 Q. You've described it as an isolated
23 instance, when "iBooks" was used to refer to
24 electronic downloaded books in reference to the
25 survey questions reflected in the survey report.

1 You were aware of other times when Apple
2 employees used the word "iBook" to refer to
3 downloaded electronic books; right?

4 MS. RAY: Objection.

5 THE WITNESS: No. Not externally, no.

6 BY MR. CHATTORAJ:

7 Q. What do you mean when you say "not
8 externally"?

9 A. As I mentioned, there were several terms
10 that could have been used to refer to digital books,
11 and I'm not aware of any external communications to
12 customers that used that term to -- to describe
13 digital books.

14 Q. Are you aware of instances in which Apple
15 employees used the word "iBook" to refer to an
16 electronic downloaded book internally within Apple?

17 A. There were several terms that we were using
18 to refer to digital books. "iBooks" was one of
19 them.

20 Q. Did you yourself use the word "iBooks" in
21 that way in internal discussions at Apple?

22 A. I don't remember outside of this survey.

23 Q. Have you ever done any market research on
24 the question of how important the availability of
25 the iBooks software application is to sales of the