

CONFIDENTIAL

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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J.T. COLBY & COMPANY, INC.
d/b/a BRICK TOWER PRESS, J.
BOYLSTON & COMPANY, PUBLISHERS
LLC and IPICTUREBOOKS, LLC,

Plaintiff,

vs.

No. 11-cv-4060

APPLE, INC.,

Defendant.

-----x

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VIDEOTAPED DEPOSITION OF
30(b)(6) JOHN T. COLBY, JR.
New York, New York
Wednesday, July 18, 2012
10:20 a.m.

Reported by:
Jennifer Ocampo-Guzman, CRR, CLR

Ref: 7845

1 Confidential-Attorneys' Eyes Only-Colby

2 Q. Was there a particular person you
3 were speaking to at NBN?

4 A. One of the reps came by to talk to
5 me.

6 Q. Do you remember the name of the
7 rep?

8 A. It could have been Spencer Gale,
9 G-A-L-E.

10 Q. Is that who you believe it was?

11 A. I think so, yeah.

12 Q. Any other instance of actual
13 confusion?

14 A. That's all I've -- that's all I've
15 got.

16 Q. Do you have documents reflecting
17 these alleged instances of confusion?

18 MR. CHATTORAJ: Objection.

19 A. I believe so, yes.

20 Q. And you believe that those are on
21 the hard drive?

22 A. Or the flash drive provided to you
23 guys.

24 Q. And where would we find them on the
25 hard drive?

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2 dealings with Apple. Do you have any
3 business plans with regard to any -- doing
4 additional business with Apple?

5 A. I always have plans.

6 Q. What are those plans?

7 A. Depending on the market we look at
8 apps and we look at anything we can do on the
9 Apple platform that makes sense for us.

10 Q. Do you have any plans about selling
11 any of your books in connection with any
12 iPhone app or in connection with the iBooks
13 app?

14 MR. CHATTORAJ: Objection.

15 A. Not in connection with the iBooks
16 app, but I am looking at some possibilities
17 of anything through Apple that makes sense.

18 Q. And what are you talking about?

19 A. Specifically apps.

20 Q. Apps that people would be able to
21 purchase via the app store and have access to
22 your books; is that what you're talking
23 about?

24 A. That's right.

25 Q. And do you plan on doing that in

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2 the internet?

3 A. Not at all.

4 Q. What documents are you aware of
5 that -- that would show what the "i" in
6 iBooks was to refer to if not the internet?

7 MR. CHATTORAJ: Objection.

8 A. I don't know.

9 Q. Now, look at the top of Exhibit 18,
10 is there a logo?

11 A. Yes.

12 Q. And the logo is a light bulb with
13 an "i" in it, with the word "iBooks"
14 underneath it; is that right?

15 A. That's correct.

16 Q. Is that the logo used in
17 conjunction with your iBooks imprint?

18 A. Yes, it is.

19 Q. Is iBooks -- do you use this logo
20 on physical copies of all your books?

21 MR. CHATTORAJ: Objection.

22 A. I do. I do.

23 Q. Is the word "iBooks" spelled --
24 depicted the way it's depicted on this page
25 or is it depicted differently?

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2 A. Most often this way.

3 Q. How else is it depicted?

4 A. Most often this way. I can't think
5 of anything -- any other -- any other way.

6 Q. Isn't it true that this light bulb
7 is used on all of your iBooks imprint books?

8 A. Yes, the light bulb and the words
9 iBooks underneath it.

10 Q. Does Apple use the light bulb, to
11 your knowledge, in conjunction with its
12 iBooks mark?

13 A. I don't know.

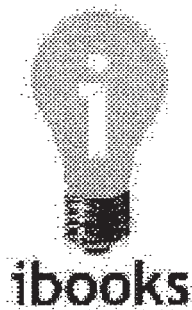
14 Q. Are you aware of any instance of it
15 doing that?

16 A. No.

17 Just backing up there was -- were
18 documents that indicate the iBooks associated
19 itself with the word "idea" and "new idea."

20 Q. What documents are you referring to
21 that says that iBooks are supposed to be a
22 reference to "idea"?

23 A. There are some ads in the book of
24 -- some of the books that reference iBooks in
25 connotation with a new idea that's brand new



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Bob Minzesheimer
USA Today
535 Madison Avenue
New York, NY 10022

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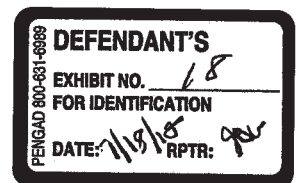
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With best regards,

Byron Preiss
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August 18, 1999



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