

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

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2 A. Yes.

3 Q. And what document reflects the
4 Simon & Schuster sales?

5 A. I-wks05.xls.

6 Q. So -- and you claim that these
7 documents were obtained after you acquired
8 the assets, you wrote to the distributors and
9 you asked them to give you summaries of the
10 sales figures; is that right?

11 MR. CHATTORAJ: Objection.

12 A. Not completely, no.

13 Q. What's wrong about it?

14 A. Some of the information came from
15 the trustee and some of the information came
16 from the distributors.

17 Q. Okay. Did any of the information
18 used to create exhibits A, B and C come from
19 the preexisting business records of iBooks,
20 Inc.?

21 A. No.

22 Q. What information did you obtain
23 from the trustee?

24 MR. CHATTORAJ: Objection.

25 A. 350 boxes of information.

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2 Q. Let me be more specific. What
3 information did you obtain from the trustee
4 that you used to create exhibits A, B and C?

5 MR. CHATTORAJ: Objection.

6 A. The wks file.

7 Q. Anything else?

8 A. No.

9 Q. Are there in existence
10 contemporaneous sales records, such as
11 invoices and the like, showing what the
12 actual sales in units and dollars were from
13 1999 through 2006 prior to your acquisition
14 of the assets in December?

15 MR. CHATTORAJ: Objection.

16 A. What do you mean by
17 "contemporaneous"?

18 Q. Ordinary course of business
19 documents that iBooks, Inc. or Byron Preiss
20 Visual Publications would have had that
21 reflected sales information?

22 A. None that I've seen.

23 Q. All right. So turning then to the
24 period post acquisition of the iBooks, of the
25 assets that included iBooks mark, so in other