

## **EXHIBIT E**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JT COLBY AND COMPANY, INC., D/B/A  
BRICK TOWER PRESS, J. BOYLESTON AND  
COMPANY PUBLISHERS, LLC, AND  
IPICTUREBOOKS, LLC,

Plaintiffs,

-against-

Index No.  
11-CV-4060 (DLC)

APPLE, INC.,

Defendant.

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VIDEOTAPED DEPOSITION OF

SUSAN SCHWARTZ MCDONALD

New York, New York

December 12, 2012, 9:56 a.m.

Reported By:

Nicole Sesta

Ref: 8606

1 S. Schwartz McDonald

2 web surfing. But Apple, as I told you, is much,  
3 much discussed in the marketing world.

4 Q And what did you do other than  
5 read the complaint to investigate plaintiffs'  
6 business before forming your expert opinions?

7 MR. RASKOPF: Objection to  
8 the form of the question.

9 A What I know -- most of what I know  
10 about plaintiffs' business, I think, has been  
11 articulated in the complaint, at least what is  
12 relevant. And I think someone who does what I  
13 do for a living has to be credited with the  
14 mental agility to interpolate and extrapolate  
15 based on that fact pattern, that a company that  
16 is in the business of publishing iBooks, a  
17 company that has a significant digital library,  
18 a company who, in the end, whose survival, like  
19 all book publishers, is going to depend upon  
20 their presence in the digital space, that they  
21 and a mega brand called iBooks from Apple are  
22 going to collide in that space.

23 Q What -- did you do any  
24 investigation to test whether the allegations in  
25 plaintiffs' complaint were actually true?