

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

J.T. COLBY & COMPANY, INC. d/b/a/)
 BRICKTOWER PRESS, J. BOYLSTON &)
 COMPANY, PUBLISHERS LLC and)
 IPICTUREBOOKS LLC,)
)
 Plaintiffs,)
)
 -against-)
)
 APPLE INC.,)
)
 Defendant.)

Case No. 11 Civ. 4060 (DLC)

DECLARATION OF JOHN T. COLBY, JR.
IN SUPPORT OF PLAINTIFFS' MOTION TO EXCLUDE THE TESTIMONY,
INCLUDING AFFIDAVITS, DECLARATIONS, AND REPORTS, OF
(1) DEFENDANT'S EXPERT WITNESS E. DEBORAH JAY AND
(2) DEFENDANT'S REBUTTAL EXPERT STEPHEN M. NOWLIS

I, John T. Colby, Jr., under penalty of perjury, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am over 18 years old and I am competent to make this Declaration based upon my personal knowledge. I am the principal and direct or indirect owner of all Plaintiffs in this action. I make this Declaration in Support Of Plaintiffs' Motion To Exclude The Testimony, Including Affidavits, Declarations, And Reports, Of (1) Defendant's Expert Witness E. Deborah Jay And (2) Defendant's Rebuttal Expert Stephen M. Nowlis.

2. Increasingly, in recent years, Plaintiffs have been reproducing existing print titles as digital books and releasing new titles under the ibooks/iBooks imprint in digital-book form.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 5th day of February, 2013, in Shelter Island, New York.

A handwritten signature in black ink, appearing to read "J. Colby, Jr.", written in a cursive style.

John T. Colby, Jr.