

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 CLAUDIA T. BOGDANOS**  
**IN SUPPORT OF PLAINTIFFS’ MOTIONS TO EXCLUDE THE TESTIMONY**  
**OF (1) DEFENDANT’S EXPERT WITNESS E. DEBORAH JAY AND**  
**(2) DEFENDANT’S REBUTTAL EXPERT WITNESS STEPHEN M. NOWLIS**

I, Claudia T. Bogdanos, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am over 18 years old and I am competent to make this declaration based upon my personal knowledge. 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 Witness Stephen M. Nowlis, cited in the accompanying memorandum of law.
2. I am an attorney at Quinn Emanuel Urquhart & Sullivan, LLP. I am admitted to the New York bar and am currently in good standing.
3. Attached hereto as **Exhibit A** is a true and correct copy of excerpts from the Book Survey Report of E. Deborah Jay in this matter, dated September 2012.
4. Attached hereto as **Exhibit B** is a true and correct copy of excerpts from the Expert Report of Stephen M. Nowlis in this matter, dated October 26, 2012.

5. Attached hereto as **Exhibit C** is a true and correct copy of excerpts from the transcript of the deposition of E. Deborah Jay in this matter, dated November 30, 2012.
6. Attached hereto as **Exhibit D** is a true and correct copy of a Pew Research Center Study entitled *The Rise of E-Reading*, by Lee Rainie et al. (2012).
7. Attached hereto as **Exhibit E** is a true and correct copy of excerpts from the transcript of the deposition of Mike Shatzkin in this matter, dated December 4, 2012.
8. Attached hereto as **Exhibit F** is a true and correct copy of excerpts from the Expert Report of Mike Shatzkin in this matter, dated October 24, 2012.
9. Attached hereto as **Exhibit G** is a true and correct copy of excerpts from the transcript of the deposition of Richard Freese in this matter, dated September 25, 2012.
10. Attached hereto as **Exhibit H** is a true and correct copy of excerpts from the transcript of the deposition of John T. Colby, Jr. in this matter, dated July 18, 2012.
11. Attached hereto as **Exhibit I** is a true and correct copy of a letter from Bonnie L. Jarrett to David Shaiman, dated December 20, 2012.
12. Attached hereto as **Exhibit J** is a true and correct copy of excerpts from the transcript of the deposition of Stephen M. Nowlis in this matter, dated December 14, 2012.
13. Attached hereto as **Exhibit K** is a true and correct copy of excerpts from the expert report of Susan Schwartz McDonald in this matter, entitled *A Survey to Measure Potential Source Confusion Associated with iBooks*, dated September 17, 2012.

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

Executed this 21st day of December, 2012.

  
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Claudia T. Bogdanos