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Attorneys for Defendant
APPLE INC.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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

Plaintiffs,

- against -

APPLE INC.,

Defendant.

Case No. 11-CIV-4060 (DLC)

ECF Case

**DEFENDANT'S NOTICE OF MOTION
TO EXCLUDE ANY TESTIMONY, ARGUMENT OR EVIDENCE REGARDING
THE EXPERT REPORTS AND OPINIONS OF ROBERT T. SCHERER**

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Jennifer L. Barry, Esq., declared to on December 21, 2012, and the accompanying memorandum of law, the undersigned will move before the Honorable Denise L. Cote, Judge of the District Court for the Southern District of New York, at the United States District Courthouse, located at 500 Pearl Street, New York, NY, at a time and place to be scheduled by this Court, for an order granting Defendant Apple Inc.'s ("Apple") motion to exclude any testimony, argument or evidence regarding the expert reports and opinions of Robert Scherer.

Dated: December 21, 2012

Respectfully submitted,

By s/ Dale M. Cendali

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