

EXHIBIT 7

1 IN THE UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
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5 J.T. COLBY, INC., et al.,
6 Plaintiffs,

7 vs. CASE No. 11-CIV-4060
8 APPLE, INC.,
9 Defendants.

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13 VIDEOTAPED DEPOSITION OF LISA WIDUP
14 REDWOOD SHORES, CALIFORNIA
15 FRIDAY, SEPTEMBER 21, 2012
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21 BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CCRR, CLR
22 CSR LICENSE NO. 9830
23 JOB NO. 53419
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<p>1 allegation that Apple was using the IBOOKS trademark 2 in connection with the use in commerce of computer 3 software used to support and create interactive 4 user-modifiable electronic books in Class 9? 5 A Well, as you just talked about, it's hard to 6 read the specimen. But I do remember preparing it, 7 and I know what it is. And like I think I said, that 8 it was a screen shot from the App Store showing the 9 iBooks software available for download. 10 So, you know, if you're asking me what was 11 my -- the facts for my basis to say that it was in use 12 in commerce, the iBooks software does a lot of things. 13 It allows users to take an ePub file or 14 whatever sort of electronic book file, and then create 15 an electronic book that then you can then read on your 16 iPad or on your iPhone through the iBooks software. 17 It allows users to modify the book, interact with the 18 book. They can highlight it. They can change the 19 font. They can change the background to make it more 20 readable. 21 They can highlight words to say, "Okay, I -- 22 you know, I don't know that word." And if you, you 23 know, hold your finger on it, it pops up a thesaurus 24 or a dictionary and pops you out to another 25 application, where it will tell you what the word</p>	<p>1 means. 2 So, I mean, that's the software that Apple 3 was using when I filed the Section 8 and 9, or that's 4 the software that it was providing under the IBOOKS 5 mark, to be more accurate. 6 Q You just testified that the iBooks software 7 allows users to take an ePub file or whatever sort of 8 electronic book file and then create an electronic 9 book that you can then read on your iPad or on your 10 iPhone through the iBooks software. 11 What did you mean when you said it allows the 12 users to create an electronic book that you can then 13 read on your iPad or on your iPhone through the iBooks 14 software? 15 A Well, I mean, you know, a computer file is 16 not a book; right? So the software lets you open up 17 that computer file so you can then read the book. And 18 then you've got a book now you can read, an electronic 19 book. 20 Q So because the software allows the user to 21 read a computer file as an electronic book, that -- 22 that's the basis for your allegation that the use of 23 iBooks is in connection with computer software used to 24 support and create interactive user-modifiable 25 electronic books?</p>
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<p>1 MS. CENDALI: Objection. 2 THE WITNESS: That's part of the reason. 3 MR. CHATTORAJ: Q. That's one of the 4 reasons? 5 A Yeah. 6 Q It sounds like another reason was that users 7 were able to highlight text in the books? 8 A That's one of the features that I was 9 thinking about. 10 Q Another reason is that users were able to 11 look up words, like, in a dictionary by tapping on a 12 word; right? 13 A Uh-huh, uh-huh. 14 Q Anything else? 15 A Just the things I mentioned earlier, you 16 know, changing the font and changing the background to 17 make it easier to read. 18 You know, the iBooks -- if -- if we could 19 read the specimen better, I could tell you all the 20 things that it says. 21 But I can even see that, you know, if you 22 click that "More" button that -- you know, or that 23 text that's in the specimen when you're inside the App 24 Store, it brings down a whole list of all the 25 descriptions of all of the features and everything.</p>	<p>1 But it wasn't in this specimen. 2 I think when -- you know, when I filed the 3 Statement of Use or the Amendment to Allege Use, I 4 created a different specimen that did give you all the 5 features that were available at the time. And then, 6 you know, we could read that and look at that. 7 But that's not the time period you're asking 8 about, so... 9 Q Are you referring to the document that you 10 filed on March 13th, 2012, which was marked as Widup 11 Exhibit 6? 12 A Yes. So if you look at the last page, which 13 is the same as the third-to-last page, I guess, it's 14 the one that shows iBooks 2, so it was the second 15 version of the iBooks software. 16 So it's not identical to what the specimen 17 was I had used when I filed the 8 and 9, but it's -- 18 Q When was iBooks 2 -- 19 A -- to give you an idea of what the 20 description would have looked like. 21 Q Pardon my interruption. 22 Did you have anything else to say? 23 A No. 24 Q When was iBooks 2 released? 25 A I'm going to -- I don't know for sure, but</p>