

**EXHIBIT 10**

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3

4 J.T. COLBY & COMPANY, INC.,  
5 d/b/a BRICK TOWER PRESS,  
6 J. BOYLSTON & COMPANY,  
7 PUBLISHERS, LLC and  
8 IPICTUREBOOKS, LLC,  
9

Plaintiff,

vs.

Case No. 11-CIV4060 (DLC)

APPLE, INC.,

Defendant.  
-----/

12 HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER  
13 Attorneys' Eyes Only Confidential Pages 300 - 302  
14 VIDEOTAPED DEPOSITION OF THOMAS LA PERLE  
15 30(b)(6) Capacity  
16 Redwood Shores, California  
17 Wednesday, September 19, 2012  
18  
19  
20  
21

22 Reported by:

23 LORRIE L. MARCHANT, CSR No. 10523  
24 RPR, CRR, CCRR, CLR

25 JOB NO. 53418

1 with using the name "iBooks" for its eReader and  
2 bookstore application?

3 A. We proceeded with the -- some further work  
4 that we had to do for the trademark clearance.

5 Q. What was that further work? Without  
6 revealing attorney-client privilege, beyond  
7 trademark clearance?

8 A. Well, we had to -- as you know, we had to  
9 acquire the Family Systems rights.

10 Q. When was that decision made?

11 A. I don't recall the exact date.

12 Q. Were you instructed to carry that out, or  
13 did you make that decision on your own?

14 A. The decision to -- what decision are you  
15 referring to?

16 Q. The decision to acquire the Family Systems  
17 mark.

18 A. Oh, that was my recommendation.

19 Q. When you made that recommendation, was that  
20 in reliance on the opinion prepared by the Dechert  
21 firm or based on your own analysis?

22 MS. CENDALI: Okay. Again, I'm concerned  
23 that we're getting into matters of privilege here.  
24 I think we should take a break to discuss it.

25 MR. CHATTORAJ: That's fine. If it's okay

1 that made the decision from -- based on the  
2 correspondence I had seen that was between -- again,  
3 as I testified, I was corresponding with  
4 Bruce Sewell, who was having discussions with  
5 Steve Jobs.

6 Q. When was the decision made to seek -- to  
7 acquire the trademark from Family Systems?

8 A. I don't know the exact date.

9 Q. Do you know what year?

10 A. Again, I'm not sure. I believe it was in  
11 January of 2010. But I -- I am not 100 percent  
12 certain.

13 Q. Do you know when Apple first publicly  
14 announced the name "iBooks" for the eReader  
15 application that would be made available on the  
16 iPad?

17 A. Yes.

18 Q. What date was that?

19 A. I believe it was January 21st, 2010.

20 MS. CENDALI: I believe, Counsel, it was,  
21 for the sake of the record, January 24th.

22 THE WITNESS: 24th. I'm sorry. 24th.

23 MS. CENDALI: 26th?

24 MR. CHATTORAJ: You know what, Counsel,  
25 we'll take the witness's testimony.