

EXHIBIT 23

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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,

Plaintiff,

vs.

Case No. 11-CIV4060 (DLC)

APPLE, INC.,

Defendant.

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HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER
Attorneys' Eyes Only Confidential Pages 300 - 302
VIDEOTAPED DEPOSITION OF THOMAS LA PERLE
30(b)(6) Capacity
Redwood Shores, California
Wednesday, September 19, 2012

Reported by:

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

JOB NO. 53418

1 Q. Do you know what year Mr. Sewell started
2 working at Apple?

3 A. I don't know the exact date. It's 2009.
4 I'd have to check the date. I'm not sure.

5 Q. It was after you joined, though?

6 A. Yes.

7 Q. And he came in above you?

8 MS. CENDALI: He came in above all of us.

9 BY MR. CHATTORAJ:

10 Q. In the acquisition agreement between Apple
11 and Family Systems, was any physical personal
12 property transferred, such as desks, chairs?

13 MS. CENDALI: Objection. The document
14 speaks for itself.

15 BY MR. CHATTORAJ:

16 Q. You may answer.

17 A. No, there's no physical assets that were
18 transferred.

19 Q. Any accounts receivable?

20 A. No.

21 Q. Any trade secrets?

22 A. No.

23 Q. Any copyrights?

24 A. No.

25 Q. Any computer software?

1 A. No.

2 Q. Any computer hardware?

3 A. No.

4 Q. Any patents?

5 A. No.

6 Q. Customer lists?

7 A. No.

8 Q. Employment agreements with employees?

9 A. No.

10 Q. Did the agreement permit Family Systems to
11 continue to use the "ibook" mark after the execution
12 of the agreement?

13 A. I'd have to refresh my memory on that. If
14 I could see the contract. I know they had to phase
15 out their use quickly. They may have had a short
16 phase-out period, but I'd have to refresh my memory
17 for the --

18 Q. I wasn't trying to trap you.
19 Other than the phase-out period --

20 A. Okay.

21 Q. -- you know, after the phase-out period,
22 was Family Systems permitted to use the mark?

23 A. No.

24 Q. Was Family Systems required to change what
25 it did in its business, other than changing the