

**EXHIBIT 28**

**From:** [Jarrett, Bonnie L.](#)  
**To:** [Morrison, Thomas](#); [Cendali, Dale](#)  
**Cc:** [Ray, Claudia](#)  
**Subject:** RE: Colby v. Apple  
**Date:** Wednesday, March 14, 2012 2:23:39 PM

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Dear Tom,

We do not oppose the amended complaint, as long as Plaintiffs will not also seek an extension of the deadlines in this case. In addition, with respect to Apple's ITU for IBOOKS, you should be aware that Apple recently filed an amendment to allege use. That amendment significantly limits the scope of the goods and services description for that mark, by removing, *inter alia*, downloadable and non-downloadable electronic publications, books and magazines.

On another note, please let us know when you are available for a meet and confer, as we requested in my March 7 e-mail and Dale's letter yesterday.

Thank you,  
Bonnie

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**From:** Morrison, Thomas [mailto:TMorrison@manatt.com]  
**Sent:** Tuesday, March 06, 2012 10:17 AM  
**To:** Cendali, Dale  
**Cc:** Ray, Claudia; Jarrett, Bonnie L.  
**Subject:** Colby v. Apple

Hello Dale -

Attached please find a proposed Amended and Supplemental Complaint. Although there are a few minor changes to the discussion of Mr. Colby's business and a better organized list of our damages/profits claim, the primary change is the addition of a new section which encompasses paragraphs 50-55; this new section addresses Apple's new iBooks 2 product and its second iBooks trademark application.

Please let me know if you are willing to stipulate to its filing, in which case we will prepare an appropriate stipulation. Thank you for your consideration.

Regards, Tom

**Thomas Morrison**  
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