

EXHIBIT 33

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.
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11
12 HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY
13 VIDEOTAPED 30(b)(6) DEPOSITION OF STEVE GEDIKIAN
14 Redwood Shores, California
15 Thursday, September 27, 2012
16
17
18
19
20

21 Reported by:

22 LORRIE L. MARCHANT, CSR No. 10523

RPR, CRR, CCRR, CLR

23
24 JOB NO. 53421
25

1 believe it's last October.

2 Q. October 2011?

3 A. I believe so. Well, it depends on the
4 public. Restate your question.

5 Q. My question was -- earlier you answered
6 that it was a feature of iOS 5, that in the set up
7 process for a new iPad, that the iBooks icon was
8 made available during the set up process; right?

9 A. It is -- I believe it is visible during the
10 set up process, yes.

11 Q. I was just asking when iOS 5 was first
12 made available to consumers so that they would have
13 that iBooks application availability experience
14 during the set up of the iPad.

15 A. iOS 5, I believe, shipped in October to
16 customers. And was made available to developers at
17 an earlier period. But in both of those instances,
18 I believe the iBooks icon was visible during the set
19 up of the device. Not preinstalled on the device,
20 but as part of a signing in with your Apple ID.

21 Q. Do you read books regularly?

22 A. Yes.

23 Q. Do you read physical books? Withdrawn.

24 Is the majority of your reading experience
25 with physical books the way you described them

1 before?

2 A. It varies. Sometimes I read physical
3 books; sometimes I read -- sometimes I will read
4 books in iBooks or novels in iBooks.

5 Q. Do you read books in other reading software
6 applications besides iBooks?

7 A. Not typically. I have, but not often.

8 Q. Do you own a Kindle?

9 A. I do not.

10 Q. Do you own a NOOK?

11 A. I do not.

12 Q. Do you own a Sony Reader?

13 A. I do not.

14 Q. Do you ever read books using a desktop
15 application on a desktop computer?

16 A. Restate the question. Repeat the question.

17 Q. Do you ever read electronic books using a
18 desktop applications on desktop computers?

19 A. No, I do not.

20 Q. About what percentage of your reading is
21 done in electronic form as opposed to physical
22 books?

23 A. I would say most.

24 Q. And is there one device in particular you
25 use the most to read books?

1 A. I would say it's split across my iPhone and
2 my iPad.

3 Q. But you use the iBooks app on both the
4 iPhone and the iPad to read these books?

5 A. Yes.

6 Q. Do you have a favorite font that you like
7 to put your books in when you read books on your
8 iPhone or iPad?

9 A. It depends. Sometimes I will change the
10 font. Some -- some -- some of the works that you
11 can download include a default font or an embedded
12 font. Sometimes I will change that to ION or
13 another font that is included with iBooks.

14 Q. Do you do that the majority of the time or
15 occasionally?

16 A. From time to time.

17 Q. What about the point size of the font? Do
18 you like to change that?

19 A. I do.

20 Q. And do you usually change the point size?

21 A. I do.

22 Q. How does one go about changing the font and
23 point size in the iBooks application as it's
24 available on the iPad?

25 A. While you're reading, there's a tool bar

1 that can appear. If you tap on the screen, a tool
2 bar comes up, and there are various functions on
3 that tool bar.

4 So, for example, there's a search function,
5 and then there's a button. I'm not sure exactly
6 what we would call the button, but it's basically
7 represented by an A, letter A.

8 When you tap on it, it brings up what we
9 call a popover. And from there you have various
10 options, like changing the background, changing the
11 font, changing the theme which you use to read, like
12 the background color, changing the point size.

13 Q. Do the changes that you make to the font
14 and point size change the EPUB file that was
15 downloaded through iBooks?

16 MS. RAY: Objection.

17 THE WITNESS: Can you restate the question?

18 MR. CHATTORAJ: I'm just asking for help,
19 Counsel. What was the nature of the objection?

20 MS. RAY: The nature of the EPUB file, I'm
21 just not sure --

22 MR. CHATTORAJ: Okay.

23 MS. RAY: -- I understood the question
24 either.

25 MR. CHATTORAJ: Okay.