

**EXHIBIT 35**

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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 ATTORNEYS' EYES ONLY  
VIDEOTAPED 30(b)(6) DEPOSITION OF STEVE GEDIKIAN  
Redwood Shores, California  
Thursday, September 27, 2012

Reported by:

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

JOB NO. 53421

1 Q. And is the reason for that that the  
2 separate --

3 A. It depends on the preference. You listed  
4 two specific ones, which were font size and  
5 background. For example, night mode is one of the  
6 backgrounds. I do not believe that those are  
7 reflected across devices.

8 However, your bookmark or your annotations  
9 or passages that you write or -- or your highlights,  
10 those are all reflected across multiple devices.

11 Q. What do you mean by "passages" that I  
12 write?

13 A. So you could -- in your notes, you could  
14 add commentary. You could add whatever you  
15 wanted -- it's a free-form text field, so you can  
16 add whatever you want to it.

17 Q. And that would propagate across all of  
18 personal devices associated with my iTunes Store  
19 account; right?

20 A. If you chose to turn on that preference,  
21 yes.

22 Q. Is that preference turned on by default?

23 A. You are asked if you would like to turn it  
24 on.

25 Q. What if -- when am I asked whether I'd like

1 to turn it on?

2 A. The first time you open iBooks.

3 Q. Is it possible for the user to ignore the  
4 choice in setting up iBooks, or must they answer to  
5 proceed with the installation and setup?

6 A. They can choose to press cancel, and iBooks  
7 will become available to them in the same way that  
8 they would normally use.

9 Q. And in that instance, what does iBooks have  
10 as the preference for the propagation of those  
11 elements across devices?

12 A. If you choose not to sync those settings  
13 across multiple devices, then iBooks would keep all  
14 that information just on that device.

15 Q. And are those preferences then backed up to  
16 iCloud by default?

17 A. If you use the -- iOS 5 supports a iCloud  
18 backup features, which backs up preferences, photos,  
19 text messages, whatever it is on your device, and I  
20 believe that those settings would be preserved in  
21 the backup and kept in iCloud.

22 But they wouldn't necessarily be readily  
23 available to you on all your other devices. You  
24 would have to restore the backup to be able to take  
25 advantage of those preferences.