

EXHIBIT 53

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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3 J.T. COLBY & COMPANY, : Case Number
 4 INC. d/b/a BRICK TOWER : 11-CV-40260
 5 PRESS; J. BOYLSTON & : (DLC)
 6 COMPANY, PUBLISHERS LLC :
 7 and IPICTUREBOOKS :
 8 LLC, :
 9 Plaintiffs, :
 10 vs. :
 11 APPLE, INC., :
 12 Defendant. :

13 - - -

October 2, 2012

14 Videotaped deposition of APPLE,
 15 INC., through HAL E. BORDEN, ESQUIRE, taken
 16 at the offices of Veritext National Court
 17 Reporting Company, 1801 Market Street, Suite
 18 1800, Philadelphia, Pennsylvania 19103,
 19 beginning at 10:15 a.m., before LINDA ROSSI
 20 RIOS, RPR, CCR and Notary Public.

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22 VERITEXT NATIONAL COURT REPORTING COMPANY
 23 MID-ATLANTIC REGION
 24 1801 Market Street - Suite 1800
 25 Philadelphia, Pennsylvania 19103

1 HAL E. BORDEN, ESQUIRE

2 basis of your knowledge concerning Family
3 Systems?

4 MS. RAY: Objection. Same
5 instruction on privilege. Go ahead.

6 THE WITNESS: I believe that my
7 initial knowledge of Family Systems
8 was the result of communication to me
9 by Glenn Gundersen.

10 BY MR. CHATTORAJ:

11 Q. Did Family Systems come up in
12 the course of your trademark clearance work
13 for the iBooks name?

14 MS. RAY: Same objection.
15 Instruction on privilege. Go ahead.

16 THE WITNESS: I believe that
17 Family Systems did come up in the
18 clearance searches in question.

19 BY MR. CHATTORAJ:

20 Q. Without revealing the
21 substance, this is a yes or no, are you aware
22 of any agreement that was entered into
23 between Family Systems and Apple in
24 January 2010?

25 A. I am aware of such an

1 HAL E. BORDEN, ESQUIRE

2 agreement.

3 Q. Did you participate in the
4 drafting of that agreement?

5 A. I believe I did participate in
6 the drafting of that agreement.

7 Q. Do you know a person named Tony
8 Lupo?

9 A. I know of a person named Tony
10 Lupo.

11 Q. But you don't personally know
12 Tony Lupo?

13 A. I have never met Tony Lupo.

14 Q. Have you ever spoken to Tony
15 Lupo?

16 A. I don't believe I've ever
17 spoken to him.

18 Q. Have you ever e-mailed Tony
19 Lupo?

20 A. I don't recall.

21 Q. Has Tony Lupo ever e-mailed
22 you?

23 A. I don't recall.

24 Q. Who is Tony Lupo?

25 A. My understanding is that Tony