

EXHIBIT 69

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
J.T. COLBY & COMPANY, INC.
d/b/a BRICK TOWER PRESS, J.
BOYLSTON & COMPANY, PUBLISHERS
LLC and IPICTUREBOOKS, LLC,

Plaintiff,

vs.

No. 11-cv-4060

APPLE, INC.,

Defendant.

-----X

CONFIDENTIAL

VIDEOTAPED DEPOSITION OF
30(b)(6) JOHN T. COLBY, JR.
New York, New York
Wednesday, July 18, 2012
10:20 a.m.

Reported by:
Jennifer Ocampo-Guzman, CRR, CLR
Ref: 7845

1 Confidential-Colby

2 iPad platform.

3 Q. So you were trying to persuade
4 Apple that it should only sell your books on
5 the iBooks app; is that right?

6 A. Because we use the name in book
7 commerce, yes.

8 Q. Isn't it true that Mr. Gundersen
9 told you that you didn't have a meritorious
10 case and that he and that Apple owned a
11 federally registered trademark to iBooks and
12 that you did not and that Apple had every
13 right to use the mark?

14 A. No.

15 Q. What did Mr. Gundersen say to you
16 as to why he believed Apple had the right to
17 use the mark?

18 A. He simply stated it as a fact.

19 Q. Is the fact that Apple had a
20 federally registered trademark granted by the
21 United States government to use the mark a
22 factor that could indicate that Apple had the
23 right to use the mark?

24 MR. CHATTORAJ: Objection.

25 A. I don't know.