

EXHIBIT 78

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

10 Plaintiff,

11 vs.

Case No. 11-CIV4060 (DLC)

12 APPLE, INC.,
13

14 Defendant.
15 -----/
16

17 HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER
18 Attorneys' Eyes Only Confidential Pages 300 - 302
19 VIDEOTAPED DEPOSITION OF THOMAS LA PERLE
20 30(b)(6) Capacity
21 Redwood Shores, California
22 Wednesday, September 19, 2012
23
24
25

Reported by:

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

JOB NO. 53418

1 Exhibit 1. Examination Topic No. 1 reads, The
2 alleged first use of the "iBook" mark by Apple.

3 Do you see that there?

4 A. Yes.

5 Q. Is that a topic upon which you are prepared
6 to testify today?

7 A. Yes.

8 Q. Same question with respect to Topic No. 2?

9 A. Yes.

10 MS. CENDALI: If it would make it easier
11 for you, Counsel, I can confirm for the record that
12 we have designated Mr. La Perle as Apple's 30(b)(6)
13 for Topics 1, 2, 22, 28, 34, 40, 46, 89, 95, 101
14 through 103, 107, 113 and 120 pursuant -- subject,
15 of course, to our objections.

16 BY MR. CHATTORAJ:

17 Q. In the time that you were reviewing this
18 document just now, did you see topic areas that you
19 were prepared to testify about today?

20 A. Yes, I did.

21 Q. I realize it's hard, based on the list that
22 Ms. Cendali just read, to verify each and every one
23 but I will represent to you that I will be asking
24 you questions about those topics today.

25 Where did you attend college?