

EXHIBIT 79

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 Family Systems?

2 A. Yes.

3 Q. And that business was?

4 A. Software for -- E-book reading software.

5 THE REPORTER: Software for?

6 THE WITNESS: E-book reading software.

7 THE REPORTER: Thank you.

8 BY MR. CHATTORAJ:

9 Q. Did the agreement require Family Systems to
10 stop distributing reading -- E-book reading
11 software?

12 A. Under the "ibook" trademark and under the
13 domain names, the ibook-related domain names, yes.

14 Q. But it's true, is it not, that Family
15 Systems was permitted to continue to distribute
16 its -- what you're calling the E-book reading
17 software as long as they changed the name; right?

18 A. I believe so, but I'd have to look at the
19 agreement. But I believe that's correct.

20 Q. And do you know whether they continued to
21 do that -- withdrawn.

22 Do you know whether Family Systems
23 continued to offer that software after the
24 acquisition agreement was executed?

25 A. I don't know, actually.

1 Q. Have you -- without revealing any
2 attorney-client communications, have you ever
3 investigated or looked into Family Systems' business
4 at any time since the execution of the acquisition
5 agreement?

6 A. Not that I'm aware of. It's possible that
7 somebody on my team had looked into the phase-out
8 period to see if they had properly phased out, but
9 I'm not aware of that.

10 Q. So after the phase-out period, it's fair to
11 stay that, to the best of your knowledge, no one at
12 Apple investigated what Family Systems was doing?

13 A. I'm not aware of any investigations.

14 MR. CHATTORAJ: I'm going to show you a
15 document that I'd ask the court reporter to mark as
16 La Perle Exhibit 3.

17 (Marked for identification purposes,
18 Exhibit 3.)

19 MR. CHATTORAJ: Off the record.

20 (Discussion off the record.)

21 BY MR. CHATTORAJ:

22 Q. As always, you know, when you're ready to
23 talk about the document, please just look up at me.

24 A. Okay.

25 Q. This is a document entitled "Trademark and