

**EXHIBIT 9**

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

Plaintiff,

vs.

Case No. 11-CIV4060 (DLC)

APPLE, INC.,

Defendant.  
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11  
12 HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER  
13 Attorneys' Eyes Only Confidential Pages 300 - 302  
14 VIDEOTAPED DEPOSITION OF THOMAS LA PERLE  
15 30(b)(6) Capacity  
16 Redwood Shores, California  
17 Wednesday, September 19, 2012  
18  
19  
20  
21

22 Reported by:

23 LORRIE L. MARCHANT, CSR No. 10523

RPR, CRR, CCRR, CLR

24  
25 JOB NO. 53418

1 I am simply asking what was that work?

2 MS. CENDALI: And without revealing the  
3 privilege, you can generally talk about the general  
4 services you provided.

5 THE WITNESS: So I would have asked outside  
6 counsel to -- well, internally I would obtain  
7 information about what the product would be, then I  
8 would ask outside counsel to conduct trademark  
9 clearance work on that product.

10 THE REPORTER: To conduct?

11 THE WITNESS: Trademark clearance work.

12 THE REPORTER: Thank you.

13 BY MR. CHATTORAJ:

14 Q. On that product?

15 A. On the product name.

16 Q. When was that?

17 A. Well, that's, I think, part of the  
18 confusion of your earlier question. I did not say  
19 that -- I said I was not sure when I started that.  
20 And it's possible it was in 2009. I don't -- I  
21 don't know when we started the work for that.

22 Q. Is it fair to say that the first time you  
23 heard of this eReader application was in connection  
24 with doing your trademark work on it?

25 A. Yes.

1 Q. And you testified earlier that may have  
2 been late 2009?

3 A. Correct, but I'm not -- I don't -- sitting  
4 here right now, I don't know the -- whether that was  
5 2009 or 2010.

6 Q. Was the name "iBooks" being considered at  
7 that time?

8 A. iBooks was not the first name that was  
9 considered.

10 Q. What was the name that was considered?

11 MS. CENDALI: Without waiving any  
12 privilege, you can answer that question.

13 THE WITNESS: It was

14 BY MR. CHATTORAJ:

15 Q.

16 A. Correct.

17 Q. Was a decision at some point made not to  
18 use the name?

19 A. Yes.

20 Q. Who made that decision? Just a name.

21 MS. CENDALI: Are you not sure about a  
22 privilege issue?

23 THE WITNESS: Well --

24 BY MR. CHATTORAJ:

25 Q. You know, just for the record,

1 question pending. Madam Court Reporter, can you  
2 please read the question back.

3 (Discussion off the record.)

4 (Record read as follows:

5 "Q Was a decision at some point made not  
6 to use the name?

7 "A Yes.

8 "Q Who made that decision? Just a name.")

9 MS. CENDALI: And without waiving any  
10 privilege, he can answer as to a factual matter.

11 THE WITNESS: I believe Steve Jobs made  
12 that decision. Subject to our trademark clearance.

13 BY MR. CHATTORAJ:

14 Q. You -- I just want to make sure I  
15 understand your testimony. You said that Steve Jobs  
16 made that decision subject to your trademark  
17 clearance?

18 A. So he decided that he did not want to go  
19 with and wanted us to look at "iBooks."  
20 And we were doing trademark clearance for that.

21 Q. So in what way was Mr. Jobs' decision  
22 subject to your trademark clearance?

23 A. Well, your question was did someone -- who  
24 made the decision to look into -- this is how I  
25 interpreted your question: Who made the decision to