

EXHIBIT 116

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

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

CASE NO.
11-CIV-4060 (DLC)

v.
APPLE, INC.,
Defendant.

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VIDEOTAPED DEPOSITION OF

RICHARD FREESE

September 25, 2012

Prince Frederick, Maryland

2:04 p.m.

REPORTED BY:

Lori J. Goodin

REF: 8254

1 A. Yes.

2 Q. And then a letter -- let me finish.

3 A. Sorry.

4 Q. That is okay. Are you familiar with  
5 the ibooks logo that has a light bulb, lower case  
6 letter, I, and then ibooks in all lower case?

7 A. Yes.

8 Q. Are you aware of any advertising  
9 featuring that logo?

10 A. I don't specifically remember any  
11 advertising. But, co-op advertising normally  
12 would include the publisher's logo, so I would  
13 assume that is the case.

14 Q. And where is co-op, or, excuse me.  
15 To what audience is co-op advertising directed?

16 A. The consumer market.

17 Q. Okay.

18 A. It is basically with the way co-op  
19 is, it is either a customer creating a catalog or  
20 a newspaper ad. Or in many instances you are  
21 also just buying placement. You are getting a  
22 front table at Barnes & Noble for two weeks.