

EXHIBIT 50

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. No.

2 Q. While you were at PG -- well, did  
3 PGW distribute ipicturebooks' books?

4 A. I would assume so.

5 Q. Okay. Do you know if PGW ever did  
6 any studies to determine the level of consumer  
7 recognition of the ipicturebooks imprint?

8 A. No.

9 Q. Do you have any knowledge of  
10 consumer recognition of the ipicturebooks  
11 imprint?

12 A. And, I was going to ask a point of  
13 clarification.

14 Q. Okay.

15 A. When you say do I have any knowledge  
16 of, you are talking about studies that I have  
17 seen?

18 Q. Not limited to studies. Just any  
19 knowledge of whether consumers recognize the  
20 ipicturebooks imprint?

21 A. Only through our retail  
22 presentations. You know, where the buyers at the

1 chains recognize the iBook brand because of the  
2 authors that it represented. And they favored,  
3 you know, they bought ibooks from us.

4 You know, the, when you look at  
5 buyers at like Barnes & Noble or, you know,  
6 Walden, they look for reasons not to buy books as  
7 opposed to buying books because there are just  
8 too many books published, and we were successful  
9 with ibooks.

10 So, by extension, you would say that  
11 consumers recognize the brand.

12 Q. Who was successful with the ibooks  
13 imprint?

14 A. In general, we, my recollection at  
15 least and certainly my PGW days was that we did,  
16 you know, we sold into the chains and we sold  
17 into the independents. And that the wholesalers,  
18 Baker & Taylor more specifically, would buy  
19 product.

20 Q. Do you know what the sales were when  
21 you were at PGW?

22 A. Like I said, as I recall, they were

1 certainly over a million dollars, because I  
2 thought they were, it was a better signing, and  
3 very often I will sign publishers in the 300 or  
4 \$500,000 range. When you get over a million, it  
5 is significant. When you get over 5 million, it  
6 is really significant.

7 And I know, I feel like they were  
8 somewhere in between.

9 Q. What about, in the time when ibooks  
10 were distributed by NBN, do you have any  
11 knowledge of what the sales were then?

12 A. I honestly don't remember. I was so  
13 focused on sort of reintegrating myself, and I  
14 was only really there nine months before the  
15 ownership completely changed course.

16 So, I was spending most of my time  
17 signing new clients like the Michelin travel  
18 guides, which was another catch. But, I didn't  
19 spend, forgive me, but I didn't spend as much  
20 time looking at the existing customer base. I  
21 had people to do that.

22 Q. Okay. Do you know who those people