

EXHIBIT 51

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 studies. We just knew what our, why our  
2 customers were buying books. And by customers, I  
3 mean retailers and wholesalers.

4 BY MS. JARRETT:

5 Q. And what did you know about why your  
6 customers bought books?

7 A. Basically they respond to brands  
8 that they know. And, when you are successful  
9 selling a publisher into a -- remember buyers buy  
10 by category. At the major accounts they buy by  
11 category. And so when you are successful in a  
12 category -- and they have limited opens to buy  
13 every month.

14 So, when you are getting a piece of  
15 that budget for a publisher, it is, that means  
16 you are a success in the category. And then  
17 staying on the shelf, you know, every month, they  
18 are putting new books on, so they have to take  
19 new books off. And that is determined by sales.  
20 And so, when you have books that can stay on, it  
21 is considered to be a success.

22 Q. How do you know that the retail