

**EXHIBIT 7**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

JT COLBY AND COMPANY, INC., D/B/A  
BRICK TOWER PRESS, J. BOYLESTON AND  
COMPANY PUBLISHERS, LLC, AND  
IPICTUREBOOKS, LLC,

Plaintiffs,

-against-

Index No.  
11-CV-4060 (DLC)

APPLE, INC.,

Defendant.

-----X

VIDEOTAPED DEPOSITION OF

MIKE SHATZKIN

New York, New York

December 4, 2012, 9:35 a.m.

Reported By:

Nicole Sesta

Ref: 8575

1 M. Shatzkin

2 except Two Continents Publishing Group as an  
3 employee. I describe myself as having been  
4 gainfully unemployed since 1979.

5 Q Looking at page two of your report  
6 in the first paragraph under the heading,  
7 "Expertise, background and compensation."

8 A Yes.

9 Q You said you worked for a book  
10 distribution company owned by your family?

11 A Yes. That's Two Continents.

12 Q That's Two Continents. Looking at  
13 page three of your report, in the third full  
14 paragraph in the first line you say, "The direct  
15 contact with publishers was not with consumers  
16 but with gatekeepers." Those are the  
17 gatekeepers you referred to earlier, correct?

18 A Yes.

19 Q People like book reviewers?

20 A Yes.

21 Q Or retailers or distributors?

22 A Yes.

23 Q Two lines below that you say, "To  
24 those people the corporate brands mattered." To  
25 whom are you referring when you say to those

1 M. Shatzkin

2 people, is that also the gatekeepers?

3 A No, the bookstore buyers, the  
4 reviewers and the librarians and the people who  
5 are making professional judgments about the  
6 books.

7 Q So is it fair to say that you're  
8 expressing that brands matter to the gatekeepers  
9 but not to the end consumers?

10 A That's exactly right.

11 MR. RASKOPF: Note my  
12 objection to the form.

13 A That's exactly right.

14 Q And then in the next paragraph you  
15 say, "As all brand experts know the key for  
16 brands to deliver a consistent experience to  
17 their users."

18 A Uh-huh.

19 Q What's your basis for saying that?

20 A Well, despite the fact that I've  
21 had no formal education in branding or taken any  
22 courses in branding, I have been exposed to a  
23 lot of dialogue about branding and marketing  
24 conversations for many, many, many, many years.  
25 And there are ways to describe -- there are