

EXHIBIT 39

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 the way I describe it.

2 Basically what happens is, when a  
3 brand becomes a trusted brand and you are looking  
4 for something else, you know, if you have read  
5 books by that publisher, that brand, before, you  
6 will look at it and say well, maybe I can, you  
7 know, I know that publisher, I like their books.  
8 Let me, you know, I will give it a look. I will  
9 think about it.

10 I think, you know, if I asked you,  
11 and actually you all are involved in this case,  
12 so you probably know it already, but before you  
13 started in this case, did you know who Random  
14 House was or did you know who Simon & Schuster  
15 was?

16 You have seen their logos for  
17 decades in the New York Times and in the New  
18 Yorker, and they mean something.

19 And, to me at least when I was  
20 signing ibooks and I was signing Byron Preiss,  
21 Byron was a brand within the industry, because of  
22 the quality that he had brought in his publishing