

EXHIBIT 89

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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

Plaintiff,

vs.

No. 11-cv-4060

APPLE, INC.,

Defendant.
-----X

CONFIDENTIAL

VIDEOTAPED DEPOSITION OF
30 (b) (6) JOHN T. COLBY, JR.

New York, New York

Wednesday, July 18, 2012

10:20 a.m.

Reported by:
Jennifer Ocampo-Guzman, CRR, CLR

Ref: 7845

1 Confidential-Colby

2 Q. Fair enough.

3 How many titles does Boylston have
4 under the imprints, iBooks imprint?

5 MR. CHATTORAJ: Objection.

6 A. And by has, you mean what?

7 Q. I meant the list of titles under
8 your backlist and your none backlist, the
9 total number of titles that Boylston has to
10 sell that bear the mark iBooks?

11 A. There would be at least books in
12 print and books selling of about 1200.

13 Q. How many different titles
14 approximately did you sell in 2011?

15 MR. CHATTORAJ: Objection.

16 A. How many different titles?

17 Q. Yes.

18 A. Do you want me --

19 Q. I mean, I assume that even if there
20 may have been 1200 books at one point or
21 another that bore the imprint of iBooks in
22 any given year, you don't sell every single
23 title?

24 A. Right, right.

25 Q. So approximately how many different