

EXHIBIT 90

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.

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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-Attorneys' Eyes Only-Colby

2 MS. CENDALI: So can I have my last
3 question read back, please.

4 (A portion of the record was read.)

5 A. Is there some reason?

6 Q. Yes. What is it?

7 A. We had assembled the data in such a
8 way and organized the backlist, like allocate
9 titles to e-platform versus print platform.

10 Q. So I'm sorry, why would that make a
11 difference as to your decision to provide
12 more e-mail titles?

13 A. We needed to exploit our title
14 list, and in 2010 opportunities arose for us
15 to do that.

16 Q. And what do you mean by
17 opportunities arose for you to do that?

18 A. Sales channels that developed in
19 2010 that didn't exist prior.

20 Q. And what were those sales channels?

21 A. Kindle.

22 Q. Anything else?

23 A. Apple 2 and Nook.

24 Q. Do you sell any of your books using
25 Apple's iBooks app?