

Subject: Re: Announcement

From: "Eddy Cue" <cue@apple.com>

To: "Shanks, David" <david.shanks@us.penguingroup.com>

Date: Fri, 22 Jan 2010 18:54:02 +0000

Hopefully this is not an issue but if it is I will call you at 4pm. It would be a huge mistake to miss this if we have 3.

Eddy

Sent from my iPhone

On Jan 22, 2010, at 1:41 PM, "Shanks, David" < David. Shanks@us.penguingroup.com > wrote:

My orders from London. You must have the fourth major or we can't be in the announcement.

Exhibit 38 Cue 03/13/13

K. Schroeder csr, rpr, ccrr