

From: Shanks, David
To: Makinson, John
Sent: 1/25/2010 8:22:46 AM
Subject: Re: iTunes Update

It might mean we are out. Especially if the other three accepted this. Let me see what he says. Would you accept if it is only NYT bestsellers? It should not affect mass mkt.

----- Original Message -----

From: Makinson, John
To: Shanks, David
Sent: Mon Jan 25 07:20:21 2010
Subject: RE: iTunes Update

Agreed. I don't think we should accept this.

-----Original Message-----

From: Shanks, David
Sent: 25 January 2010 11:51
To: Makinson, John
Subject: Fw: iTunes Update

This is a problem and not what we discussed. Let me see what he says when we talk. I will not sign until I talk to you or this is resolved

----- Original Message -----

From: Shanks, David
To: 'cue@apple.com' <cue@apple.com>
Sent: Mon Jan 25 06:28:16 2010
Subject: Re: iTunes Update

The paperback price is a problem. We agreed that we could price at whatever we wanted. It is not a problem for mass market but it is for trade paper. This does not work and is not what we discussed. Your focus was new release hardcover best sellers. I need to sell my trade paper for around 12 .00. This does not work. We need to talk first thing in the morning because this is not what I sold to London. You were leaving paperback to us. Are you just talking NYT bestsellers?

----- Original Message -----

From: Eddy Cue <cue@apple.com>
To: Shanks, David
Sent: Sun Jan 24 23:47:20 2010
Subject: iTunes Update

Hi David,

Good news, we are complete and ready to go. As I mentioned, I have asked Kevin to send your attorney two changes for him to make on our executable for clarity -

1. Our 1 year term with the right to terminate after 1 year with 30 days notice. This is not change to what we discussed but cleaning up the language.
2. Schedule A now clearly defines New York Times bestsellers and limits to a smaller number of titles -- not the "also selling" titles included on the expanded bestseller list. Secondly, it says for non-hardback (trade and mass) that the price is \$9.99 or below for list at \$22 and below. For anything above, you can set the price at whatever you want.

Can I come by your office first thing in the morning to sign? How about 9:30am?

Eddy

