

1 Michael D. Bonanno, Attorney (DC Bar No. 998208)  
Peter K. Huston (CA Bar No. 150058)  
2 United States Department of Justice, Antitrust Division  
450 Fifth Street, NW, Suite 7100  
3 Washington, DC 20530  
Telephone: (202) 532-4791  
4 Facsimile: (202) 616-8544  
E-mail: michael.bonanno@usdoj.gov  
5 E-mail: peter.huston@usdoj.gov

6 Attorneys for the United States of America

7  
8 **UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
9 **SAN FRANCISCO DIVISION**

10 UNITED STATES OF AMERICA,

11 *Plaintiff,*

12 v.

Case No. 13-cv-00133 WHO

14 BAZAARVOICE, INC.

15 *Defendant.*

16  
17 **UNITED STATES CONSENT MOTION TO APPOINT TRUSTEE**

18 Plaintiff United States of America files this Motion to appoint Jay Himes as the Trustee,  
19 with the responsibilities and authority set forth in the Second Amended Proposed Final Judgment  
20 (“PFJ”) filed in this case on April 24, 2014. ECF No. 257, Ex. A.

21 The Stipulation and Order entered by the Court on April 25, 2014, provides that while the  
22 PFJ is subject to comment and court review under the Antitrust Procedures and Penalties Act (15  
23 U.S.C. § 16) (“APPA”), Bazaarvoice may proceed with the divestiture of PowerReviews in  
24 accord with the terms of the PFJ. ECF No. 259 ¶ 3. On June 26, 2014, the United States  
25 approved the sale of PowerReviews to Wavetable Labs, the parent company of Viewpoints.

26 The Stipulation and Order further provides that during the pendency of APPA review, the  
27 United States shall have “the full rights and enforcement powers in the proposed Final Judgment,

1 as though the same were in full force and effect as the Final order of the Court.” *Id.* ¶ 2. Section  
2 VI.A of the PFJ provides that: “Upon application of the United States, the Court shall appoint a  
3 Trustee selected by the United States and approved by the Court to monitor Defendant’s  
4 compliance with the obligations set forth in this Final Judgment, and, if necessary, effect the sale  
5 of the Divestiture Assets.”

6 The United States has selected Jay Himes to serve as the trustee and therefore  
7 respectfully requests that the Court approve his selection. Mr. Himes is a co-chair of the  
8 Antitrust Practice Group at Labaton Sucharow LLP in New York, NY. From 2001 to 2008, Mr.  
9 Himes was Chief of the Antitrust Bureau of the Office of the Attorney General of the State of  
10 New York. In that position, Mr. Himes played a key role in negotiating and enforcing the  
11 consent judgment that resolved the state and federal antitrust cases against Microsoft. His  
12 experience in enforcing the complex and technical judgment in the Microsoft case makes him  
13 particularly well suited to assist the United States in enforcing the requirements of the PFJ  
14 relating to syndication and transition services. His current resume is attached as Exhibit A.

15 The United States has informed Bazaarvoice of its intent to file a motion to appoint Mr.  
16 Himes as the Trustee, and counsel for Bazaarvoice has informed the United States that it  
17 consents to his appointment.

18  
19 Dated: June 30, 2014

By: /s/ Michael D. Bonanno  
United States Department of Justice  
Antitrust Division  
450 Fifth Street, NW, Suite 7100  
Washington, DC 20530  
Telephone: (202) 532-4791  
Facsimile: (202) 616-8544  
E-mail: michael.bonanno@usdoj.gov

24 Attorney for Plaintiff  
United States of America

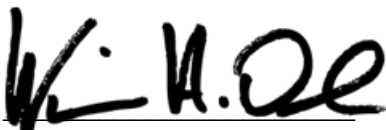
**ORDER**

Upon consideration of the United States Motion to Appoint to Appoint Trustee, and for good cause shown, it is hereby ordered:

Jay Himes is appointed as Trustee effective immediately, with the responsibilities and authority set forth in the Second Amended Proposed Final Judgment, ECF No. 257, Ex. A.

**SO ORDERED.**

DATED: July 2, 2014

  
HON. WILLIAM H. ORRICK  
United States District Judge

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28