

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

APPLE, INC., *et al.*,

Defendants.

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Civil Action No. 12-CV-2826 (DLC)

ECF Case

**CERTIFICATE OF COMPLIANCE WITH PROVISIONS  
OF THE ANTITRUST PROCEDURES AND PENALTIES ACT**

Plaintiff United States of America, by the undersigned attorneys, certifies that it has complied with the provisions of the Antitrust Procedures and Penalties Act, 15 U.S.C.

§ 16(b)-(d) (“APPA” or “Tunney Act”) and states:

1. The proposed Final Judgment as to Defendants Verlagsgruppe Georg von Holtzbrinck GmbH and Holtzbrinck Publishers, LLC d/b/a Macmillan (“proposed Macmillan Final Judgment”) and Competitive Impact Statement were filed on February 8, 2013 (Docket Nos. 174-75);

2. Pursuant to 15 U.S.C. § 16(b), the proposed Macmillan Final Judgment and Competitive Impact Statement were published in the *Federal Register* on February 25, 2013, *see United States v. Apple, Inc., et al.*, 78 Fed. Reg. 12874;

3. Pursuant to 15 U.S.C. § 16(c), a summary of the terms of the proposed Macmillan Final Judgment and Competitive Impact Statement were published in the *Washington Post* and the *New York Post* for seven days beginning on February 21, 2013 and ending on February 27, 2013;

4. The 60-day comment period specified in 15 U.S.C. § 16(b) commenced on February 27, 2013 and ended on April 28, 2013;

5. The United States received and responded to one comment on the proposed Macmillan Final Judgment. The comment and the Response to Comments were posted on the Antitrust Division's website at <http://www.justice.gov/atr/cases/apple/index-2.html> and filed with the Court on May 24, 2013 (Docket No. 261). Pursuant to 15 U.S.C. § 16(d) and with the Court's authorization (Docket No. 260), the Response to Comments and the above location on the Antitrust Division's website at which the public comment is accessible were published in the *Federal Register* on June 4, 2013, *see* 78 Fed. Reg. 33437;

6. Pursuant to 15 U.S.C. § 16(g), Macmillan filed with the Court on April 15, 2013 (Docket No. 202) a description of communications by or on behalf of Macmillan with any officer or employee of the United States concerning or relevant to the proposed Macmillan Final Judgment;

7. Pursuant to the Stipulation filed on February 8, 2013, and 15 U.S.C. § 16(e), the Court may enter the proposed Macmillan Final Judgment after it determines that the proposed Final Judgment serves the public interest;

8. The United States' Competitive Impact Statement and Response to Comments demonstrate that the proposed Macmillan Final Judgment satisfies the public interest standard of 15 U.S.C. § 16(e); and

9. Macmillan and the United States have now satisfied all of the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), as a condition for entering the proposed Macmillan Final Judgment, and it is now appropriate for the Court to make the

necessary public interest determination required by 15 U.S.C. § 16(e) and enter the proposed Macmillan Final Judgment.

Dated: June 12, 2013

Respectfully submitted,

s/Mark W. Ryan  
Mark W. Ryan  
Lawrence E. Buterman  
Stephanie A. Fleming  
Attorneys for the United States  
United States Department of Justice  
Antitrust Division  
450 Fifth Street, NW, Suite 4000  
Washington, DC 20530  
(202) 532-4753  
Mark.W.Ryan@usdoj.gov