

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Civil Action No. 12-CV-2826 (DLC)
	)	
v.	)	
	)	ECF Case
APPLE, INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**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 The Penguin Group, a division of Pearson PLC, and Penguin Group (USA), Inc. (“proposed Penguin Final Judgment”) and Competitive Impact Statement were filed on December 18, 2012 (Docket Nos. 162-63);
2. Pursuant to 15 U.S.C. § 16(b), the proposed Penguin Final Judgment and Competitive Impact Statement were published in the *Federal Register* on December 31, 2012, *see United States v. Apple, Inc., et al.*, 77 Fed. Reg. 77094;
3. Pursuant to 15 U.S.C. § 16(c), a summary of the terms of the proposed Penguin Final Judgment and Competitive Impact Statement were published in *The Washington Post* for seven days beginning on December 23, 2012 and ending on December 29, 2012 and in the *New York Post* for seven days beginning on December 27, 2012 and ending on January 4, 2013;

4. The 60-day comment period specified in 15 U.S.C. § 16(b) commenced on January 4, 2013 and ended on March 5, 2013;

5. The United States received and responded to three comments on the proposed Penguin Final Judgment. The comments and the Response to Comments were posted on the Antitrust Division's website at <http://www.justice.gov/atr/cases/apple/index-1.html> and filed with the Court on April 5, 2013 (Docket No. 201). Pursuant to 15 U.S.C. § 16(d) and with the Court's authorization (Docket No. 200), the Response to Comments and the above location on the Antitrust Division's website at which the three public comments are accessible were published in the *Federal Register* on April 15, 2013, *see* 78 Fed. Reg. 22298;

6. Pursuant to 15 U.S.C. § 16(g), Penguin filed with the Court on April 15, 2013 (Docket No. 204) a description of communications by or on behalf of Penguin with any officer or employee of the United States concerning or relevant to the proposed Penguin Final Judgment;

7. Pursuant to the Stipulation filed on December 18, 2012, and 15 U.S.C. § 16(e), the Court may enter the proposed Penguin 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 Penguin Final Judgment satisfies the public interest standard of 15 U.S.C. § 16(e); and

9. Penguin 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 Penguin 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 Penguin Final Judgment.

Dated: April 18, 2013

Respectfully submitted,

s/Mark W. Ryan

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