

EXHIBIT B

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

10 UNITED STATES OF AMERICA,
11 *Plaintiff,*
12 v.
13 EBAY INC.
14 *Defendant.*

Case No. 12-CV-05869-EJD

PLAINTIFF'S CERTIFICATE OF
COMPLIANCE WITH PROVISIONS OF
THE ANTITRUST PROCEDURES AND
PENALTIES ACT

15 Plaintiff, United States of America, by the undersigned attorney, hereby certifies that, in
16 compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), the following
17 procedures have been followed in preparation for the entry of the Final Judgment in this matter:
18

19 1. The Stipulation and Proposed Final Judgment, by which the parties have agreed to the
20 Court's entry of the Final Judgment following compliance with the APPA, were filed with the Court
21 on May 1, 2014 (Dkt. No. 57). The United States also filed its Competitive Impact Statement with
22 the Court on May 1, 2014 (Dkt. No. 58).

23 2. Pursuant to 15 U.S.C. §16(b), the proposed Final Judgment and Competitive Impact
24 Statement were published in the *Federal Register* on May 14, 2004 (*see* 79 Fed. Reg. 27639).

25 3. Pursuant to 15 U.S.C. §16(b), copies of the Complaint, Proposed Final Judgment and
26 Competitive Impact Statement were furnished to all persons requesting them and made available on
27 the Department of Justice, Antitrust Division's internet site.

1 4. Pursuant to 15 U.S.C. §16(c), a summary of the terms of the proposed Final Judgment was
2 published in the Washington Post, a newspaper of general circulation in Washington, D.C., for seven
3 days beginning on May 14, 2014 and ending on May 20, 2014, and the San Jose Mercury News, a
4 newspaper of general circulation in San Jose, CA, for seven days beginning on May 19, 2014 and
5 ending on May 26,2014.

6 5. As noted in the Competitive Impact Statement, there were no determinative materials or
7 documents within the meaning of 15 U. S.C. §1 6(b) that were considered by the United States in
8 formulating the proposed Final Judgment, so none was furnished to any person pursuant to 15 U.S.C.
9 §I 6(b) or listed pursuant to 15 U .S.C. § 16(c).

10 6. As required by 15 U.S.C. §16(g), on May 29, 2014, defendant eBay Inc. filed with the
11 Court the required description of written or oral communications by or on behalf of eBay Inc. with
12 any officer or employee of the United States concerning the proposed Final Judgment (Dkt. No. 63).

13 7. The sixty-day comment period prescribed by 15 U.S.C. § 16(b) and (d) for the receipt and
14 consideration of written comments, during which the proposed Final Judgment could not be entered,
15 ended on July 25, 2014. The United States did not receive any comments on the proposed Final
16 Judgment.

17 8. The parties have satisfied all the requirements of the Antitrust Procedures and Penalties
18 Act, 15 U.S.C. § 16(b)-(h), that were conditions for entering the proposed Final Judgment. The Court
19 may now enter the Final Judgment if the Court determines that, pursuant to 15 U.S.C. §16(e), entry
20 of the Final Judgment is in the public interest.
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23 Dated: August 21, 2014

Respectfully submitted,

24
25 _____/s/ N.Scott Sacks

26 N. Scott Sacks _
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