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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

EBAY, INC.

Defendant.

Case No. 12-CV-05869-EJD-PSG

**NOTICE OF EXPLANATION OF
CONSENT DECREE PROCEDURES**

**UNITED STATES' NOTICE OF EXPLANATION OF CONSENT DECREE
PROCEDURES**

The United States submits this short memorandum summarizing the procedures regarding the Court's entry of the proposed Final Judgment. This Judgment would settle this case pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h) (the "APPA"), which applies to civil antitrust cases brought and settled by the United States.

1 1. Today, the United States has filed this Explanation of Consent Decree Procedures, a
2 Stipulation, and a proposed Final Judgment. The parties have agreed that the Court may enter
3 the proposed Final Judgment after the United States has complied with the APPA. The United
4 States has also filed a Competitive Impact Statement relating to the proposed Final Judgment.

5 2. The APPA requires that the United States publish the proposed Final Judgment
6 and the Competitive Impact Statement in the *Federal Register* and cause to be published a
7 summary of the terms of the proposed Final Judgment and the Competitive Impact Statement in
8 certain newspapers at least sixty (60) days prior to entry of the proposed Final Judgment.
9 Defendant in this matter has agreed to arrange and bear the costs for the newspaper notices. The
10 notice will inform members of the public that they may submit comments about the proposed
11 Final Judgment to the United States Department of Justice, Antitrust Division, 15 U.S.C. §
12 16(b)-(c).
13

14 3. During the sixty-day period, the United States will consider, and at the close of that
15 period respond to, any comments that it has received, and it will publish the comments and the
16 United States' responses in the Federal Register.
17

18 4. After the expiration of the sixty-day period, the United States will file with the
19 Court the comments and the United States' responses, and it may ask the Court to enter the
20 proposed Final Judgment (unless the United States has decided to withdraw its consent to entry
21 of the Final Judgment, as permitted by Paragraph 1 of the Stipulation, *see* 15 U.S.C. § 16(d)).

22 5. If the United States requests that the Court enter the proposed Final Judgment after
23 compliance with the APPA, 15 U.S.C. § 16(e)-(f), then the Court may enter the Final Judgment
24 without a hearing, provided that it concludes that the Final Judgment is in the public interest.
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Dated: May 1, 2014

For Plaintiff United States of America,

/s/ N. Scott Sacks

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