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16 **UNITED STATES DISTRICT COURT**
17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
18 **SAN JOSE DIVISION**

19 **UNITED STATES OF AMERICA,**

20 v. **Plaintiff,**

21 **EBAY INC.**

22 v. **Defendant.**

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

24 **STIPULATION & [PROPOSED]**
25 **FINAL JUDGMENT**

26 **STIPULATION**

27 It is hereby stipulated and agreed by and between the undersigned parties, subject to
28 approval and entry by the Court, that:

29 1. The parties stipulate that the Court may file and enter a Final Judgment in the
30 form attached hereto as Exhibit A, upon the motion of any party or upon the Court's own motion,
31 at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act
32 ("APPA"), 15 U.S.C. § 16, and without further notice to any party or other proceedings, provided

1 that the United States has not withdrawn its consent, which it may do at any time before the entry
2 of the proposed Final Judgment by serving notice thereof on the Defendant and by filing that
3 notice with the Court. The Defendant agrees to arrange, at its expense, publication as quickly as
4 possible of the newspaper notice required by the APPA. The publication shall be arranged no
5 later than five (5) calendar days after the Defendant's receipt from the United States of the text of
6 the notice and the identity of the newspaper within which the publication shall be made.
7 Defendant shall promptly send to the United States (1) confirmation that publication of the
8 newspaper notice has been arranged, and (2) the certification of the publication prepared by the
9 newspaper within which the notice was published.

10 2. In the event: (1) the United States withdraws its consent or (2) the proposed Final
11 Judgment is not entered pursuant to this Stipulation, the time has expired for all appeals of any
12 Court ruling declining entry of the proposed Final Judgment, and the Court has not otherwise
13 ordered continued compliance with the terms and provisions of the proposed Final Judgment,
14 then the parties are released from all further obligations under this Stipulation, and the making of
15 this Stipulation shall be without prejudice to any party in this or any other proceeding.

16 3. From the date of the signing of this Stipulation by the parties, the Defendant shall
17 abide by and comply with all the terms and provisions of the proposed Final Judgment as though
18 the same were in full force and effect as an order of the Court, pending the Judgment's entry by
19 the Court, or until expiration of time for all appeals of any Court ruling declining entry of the
20 proposed Final Judgment.

21 4. This Stipulation shall apply with equal force and effect to any amended proposed
22 Final Judgment agreed upon in writing by the parties and submitted to the Court.

1
2 Dated: May 1, 2014

Respectfully Submitted,

3 /s/ N. Scott Sacks

4 N. Scott Sacks
5 Counsel for Plaintiff United States
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9
10 /s/ Thomas P. Brown

11 Thomas P. Brown
12 Attorney for Defendant eBay Inc.
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ATTESTATION

This stipulation is being filed through the Electronic Case Filing (ECF) system by attorney N. Scott Sacks of the United States Department of Justice, Antitrust Division. By his signature, he attests that the United States has obtained concurrence in the filing of this document from Thomas P. Brown, pursuant to Civil L.R. 5-1(i)(3).

Dated: May 1, 2014

By : /s/ N. Scott Sacks
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