

)
)
UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Case No. 1:05CV01754
)
 Judge Kollar-Kotelly
)
ECAST, INC. and)
NSM MUSIC GROUP, LTD.,)
)
 Defendants.)
)

Plaintiff, the United States of America, hereby certifies that it has complied with the provisions of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(d), and states:

1. The Complaint, proposed Final Judgment, and Competitive Impact Statement were filed with this Court on September 2, 2005;
2. Pursuant to 15 U.S.C. § 16(b), the proposed Final Judgment and Competitive Impact Statement were published on September 20, 2005 in the *Federal Register*, 70 Fed. Reg. 55167 (a copy of the *Federal Register* notice is attached as Exhibit A);
3. Pursuant to 15 U.S.C. § 16(c), a summary of the terms of the proposed Final Judgment and Competitive Impact Statement was published in *The Washington Post*, a newspaper of general circulation in the District of Columbia, during the period of September 15 through 21, 2005 (a copy of the Proof of Publication from *The Washington Post* is attached as Exhibit B);
4. Copies of the proposed Final Judgment and Competitive Impact Statement were promised to all persons requesting them and made available on the Antitrust Division's Internet site;
5. On September 13, 2005 and September 16, 2005, defendants NSM Music Group, Ltd. and Ecast, Inc. respectively filed with the Court disclosure statements concerning written or oral communications by or on behalf of the defendants, or any other person, with any officer or employee of the United States concerning the proposed Final Judgment, as required by 15 U.S.C. § 16(g);

6. The sixty-day comment period prescribed by 15 U.S.C. § 16(b) and (d) for the receipt and consideration of written comments, during which the proposed Final Judgment could not be entered, commenced on September 20, 2005 and ended on November 21, 2005;
7. The United States had not received any written comments on the proposed Final Judgment;
8. The parties have now satisfied all the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), as a condition for entering the proposed Final Judgment, and it is now appropriate for the Court to make the public-interest determination required by 15 U.S.C. § 16(e) and to enter the Final Judgment.

Dated: December 2, 2005

Respectfully submitted,

/s/
DAVID C. KULLY (DC Bar # 448763)
JILL A. BEAIRD

Attorneys for the United States
U.S. Department of Justice
Antitrust Division
Litigation III Section
325 Seventh Street, NW, Suite 300
Washington, DC 20530
(202) 305-9969 (telephone)
(202) 307-9952 (facsimile)
David.Kully@usdoj.gov