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John R. Read, Esq.  
Chief, Litigation III  
Antitrust Division, United States Department of Justice  
450 5th Street, NW, Suite 4000  
Washington, D.C. 20530

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LITIGATION III, ANTITRUST DIV.  
U.S. DEPT. OF JUSTICE

Re: United States v. Apple, Inc., et al., 12-cv-2826 (DLC) (SDNY). Comments on Proposed Final Judgment as to Defendants Hachette, HarperCollins and Simon & Schuster.

Dear Mr. Read,

As an author (of children's and young-adult books) I am in considerable distress about the Justice Department's upside-down and inside-out proposed settlement of its lawsuit alleging that five large publishers and Apple "colluded" in introducing agency pricing for e-books. How can they not see that agency pricing was a defensive reaction that brought book-publishing *back* toward Fair Practice--and that their proposed settlement is not in the public interest? The proposal imperils brick-and-mortar bookstores by allowing the online monopolist Amazon to return to underpricing the new titles from larger publishers that bring readers *into* bookstores. (And, yes, that can affect me and my already very uncertain income directly, since children's books are not sold primarily online.) For authors, bookstores play, as our Authors Guild says, "a vital role in our literary ecosystem," and the public has a strong interest in protecting them from predation.

Moreover, also thanks to Amazon's predatory, anti-competitive pricing, before agency pricing Amazon had a 90% share—a monopoly-- of e-book business, and was paying royalties to authors in its publishing program that were half of what others paid. After agency pricing came in, corrections to their practices meant that competition reappeared, and I have a decent choice of alternatives for e-book publication. I was even thinking of using Amazon's program for an out-of-print book I am currently formatting as an e-book, but now that the Proposed Settlement would allow Amazon to resume its predatory practices, all that has to be on indefinite Hold. The proposal would allow Amazon and others to sell e-books at below cost, so long as the vendors don't lose money on the publisher's entire list of e-books—and pardon me, but that's a crock. It costs a pittance to create and store an e-book file, so Amazon, thanks to bestsellers, could radically underprice *every* in-print book they sell, thereby deeply cutting the returns to authors and publishers--and still make money.

The Justice Department's proposal is—in fact if not in intention—backing an online monopolist and in doing so discouraging competition both with honest-to-goodness bookstores, and among e-book vendors and e-book device developers. That's bizarre!

Yours anxiously,

*Jane Louise Curry*