

# THE ZOË PAGNAMENTA AGENCY

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June 13, 2012

VIA FIRST CLASS MAIL

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

*Reference: 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. To be filed with Judge Cote.*

Dear John R. Read, Esq.:

The proposed settlement is not in the public interest. As Scott Turow, president of the Authors Guild, writes best: "Our government may be on the verge of killing real competition in order to save the appearance of competition."

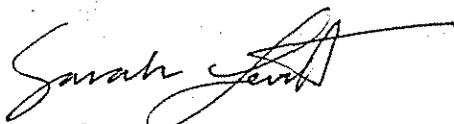
The DOJ alleges that the move to agency model was anti-competitive and bad for the market, but this is not the case; the Defendants' actions *did* promote competition in the e-book market.

The proposed settlement will not foster competition and well being in the literary marketplace. In opening the door even wider to Amazon, the already creaking doors to Barnes & Noble, BAM, and struggling independent bookstores across the nation will be effectively sealed shut—not to mention the future of the book publishing industry as we know it (should the Defendant Publishers even survive) and the more serious, far-reaching implications for intellectual property.

E-books after all are texts; texts produced by writers whose rights are looked after by agents and publishers. It is the publishers who set prices; retailers are not the duly appointed owners of intellectual property. The proposed settlement would hinder the writer and his rights in favor of the consumer.

Yet, in this equation, there's no room for the consumer to win when a monopolist controls 90% of market share. The settlement is not in the public interest because it squashes the competition it aims to promote. Consumers should be permitted to formally interfere in the case for the purposes of filing an appeal. It may be that Amazon controls 90% of the DOJ too.

Sincerely,



Sarah Levitt