

Back of Beyond Books

Back of Beyond Books, ABAA
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www.backofbeyondbooks.com

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JUN 26 REC'D 2012

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

Mr. John Read
Chief Litigation III Section, Antitrust Division
U.S. Department of Justice
450 5th Street, NW, Suite 4000
Washington, DC 20530

Dear Sir,

I own a small independent Bookstore in Moab, Ut and write today to state my opposition to the Proposed Consent Decree in United States v. Apple, Inc., et al.

I am no lawyer and cannot address many of the legal aspects of this case. What I do know is this: YOU ARE SUING THE WRONG PARTIES!

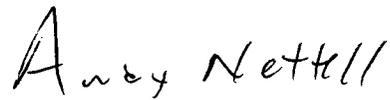
The actions of Amazon.com, in every way indicate a monopoly in action. Talk to any publisher, author or bookseller and they will tell you the same thing. Amazon dictates terms to publishers, large and small. It is not give-and-take; publishers can either take it or leave it, but most are afraid to lose business if they do not sell through Amazon. Amazon sells many products at a loss to entice more sales. They intentionally sell their e-book products at a loss because they could care less about the product; they simply want to sell the consumer a gadget (called Kindle) and then they restrict from whom the consumer can buy books from, as the Kindle is proprietary.

Amazon is also a publisher, and guess what? I have no choice as to where I buy the books they publish; I must go through Amazon and buy retail if I wish to provide my customers the books they want. Traditional publishers give me a choice; I can purchase direct from the publisher or from one of many distributors. Those distributors vie for my business and the wholesale cost of the book is competitive. I believe Amazon's business model will lead to a classic vertical monopoly, where they control the entire process of bookselling, from signing draconian contracts with authors; dictating wholesale terms to non-Amazon publishers (if any are left in a few years) and restricting from whom consumers can buy books from.

I sell e-books. Under the agency model, I am able to fairly compete with not only Amazon but other booksellers. This is called a level playing field and allows smaller businesses to survive. The agency model actually lowered the average price of e-books to the wholesaler and consumer. Isn't this a good thing? If one retailer dictates pricing, which is what Amazon did before the agency model, then a monopoly will occur. Isn't this what your division is supposed to do? Prevent monopolies? The irony of the consent decree is that by its very terms, competition will be stifled and consumers and retailers will have less choice than ever.

Please use common sense and go after the true criminal in this matter.

Sincerely,

A handwritten signature in black ink that reads "Andy Nettell". The letters are cursive and somewhat slanted to the right.

Andy Nettell