

**EXHIBIT 1**

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

APPLE, INC.,  
HACHETTE BOOK GROUP, INC.,  
HARPERCOLLINS PUBLISHERS, L.L.C.,  
VERLAGSGRUPPE GEORG VON  
HOLTZBRINCK GMBH,  
HOLTZBRINCK PUBLISHERS, LLC  
d/b/a MACMILLAN,  
THE PENGUIN GROUP,  
A DIVISION OF PEARSON PLC,  
PENGUIN GROUP (USA), INC., and  
SIMON & SCHUSTER, INC.,

Defendants.

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Civil Action No. 12-CV-2826 (DLC)

**CERTIFICATE OF COMPLIANCE**  
**WITH PROVISIONS OF THE ANTITRUST PROCEDURES AND PENALTIES ACT**

Plaintiff United States of America (“United States”), by the undersigned attorney, hereby certifies that, in compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h) (“Tunney Act”), the following procedures have been followed in preparation for the entry of the Final Judgment herein:

1. Plaintiff and Defendants Hachette Book Group, Inc., HarperCollins Publishers L.L.C. and Simon & Schuster, Inc. (collectively “Settling Defendants”) stipulated to entry of the proposed Final Judgment, and the Stipulation and proposed Final Judgment were filed with the Court on April 11, 2012. (Docket No. 04).

2. Pursuant to 15 U.S.C. § 16(b), the United States filed a Competitive Impact Statement (“CIS”) with the Court on April 11, 2012. (Docket No. 05).

3. Pursuant to 15 U.S.C. § 16(b), the Stipulation, proposed Final Judgment, and CIS were published in the *Federal Register* on April 24, 2012. *See United States v. Apple, et al.*, 77 Fed. Reg. 24518.

4. Pursuant to 15 U.S.C. § 16(c), summaries of the terms of the proposed Final Judgment and CIS, together with directions for the submission of written comments relating to the proposed Final Judgment, were published in two newspapers of general circulation, *The New York Post* and *The Washington Post*, for seven days beginning on April 20, 2012 and ending on April 26, 2012.

5. Pursuant to 15 U.S.C. § 16(b), copies of the Stipulation, proposed Final Judgment, and CIS were furnished to all persons requesting them and were made available to the public on the Antitrust Division’s Internet website.

6. Pursuant to 15 U.S.C. § 16(g), on April 19, 2012, HarperCollins Publishers L.L.C. (“HarperCollins”) filed with the Court its disclosure statement concerning written or oral communications by or on behalf of HarperCollins, or any other person, with any officer or employee of the United States concerning the proposed Final Judgment. (Docket No. 16). On April 20, 2012, Simon & Schuster, Inc. (“S&S”) filed with the Court its disclosure statement concerning written or oral communications by or on behalf of S&S, or any other person, with any officer or employee of the United States concerning the proposed Final Judgment. (Docket No. 19). On the same day, Hachette Book Group, Inc. (“Hachette”) filed with the Court its disclosure statement concerning written or oral communications by or on behalf of Hachette, or any other person, with any officer or employee of the United States concerning the proposed Final Judgment. (Docket No. 26).

7. On June 7, 2012, the United States filed with the Court an application, pursuant to 15 U.S.C. § 16(d), to excuse *Federal Register* publication of voluminous public comments, with the understanding that the United States would concurrently seek to publish in the *Federal Register* the relevant internet address at which comments could be read and downloaded. On June 11, 2012, the Court granted the United States leave to do so. (Docket No. 60).

8. The sixty-day comment period for this matter 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, ended on June 25, 2012.

9. The United States received 868 timely submitted comments from the public on the proposed Final Judgment.

10. Pursuant to 15 U.S.C. §§ 16(b) and (d), on July 23, 2012, the United States filed with the Court the public comments received and the United States' Response to those public comments. (Docket No. 81).

11. Pursuant to 15 U.S.C. §§ 16(b) and (d), and the Court's June 11, 2012 Order, the United States published in the *Federal Register* its Response to Public Comments, as well as a link to the Antitrust Division website where comments could be viewed and downloaded. *See United States v. Apple, et al.*, 77 Fed. Reg. 44271. The complete set of public comments may be found on the Department of Justice's website at the following address:  
<http://www.justice.gov/atr/cases/apple/index.html>.

12. The parties in this action have now satisfied all the conditions required by the Tunney Act prior to moving for entry of the proposed Final Judgment, and it is now appropriate for the Court to make the necessary public interest determination required by 15 U.S.C. § 16(e) and to enter the proposed Final Judgment.

Dated: August 3, 2012

Respectfully submitted,

/s/

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