

**From:** [Henry Hamman](#) [henryhamm[REDACTED]]  
**To:** [Read, John](#) [John.Read@ATR.USDOJ.gov]  
**Subject:** 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.  
**Date:** Monday, June 04, 2012 6:37:44 PM

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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

Dear Mr. Read:

I am writing to encourage the Department of Justice to reconsider the proposed settlement of the above-mentioned case. I am the publisher at a small press.

I am deeply disturbed by the implications of the proposed settlement for our business. As a small publisher, the bricks-and-mortar bookstores, particularly independent bookstores, are vitally important to our press, and the effect of Amazon's pricing model prior to the agency agreement was to push these stores to collapse, thus severely curtailing our access to potential customers and our most important marketing channel.

Amazon's marketing of its proprietary-format ebook reader at prices significantly below manufacturing cost makes clear the company's strategic goal: to lock consumers in to this device and thus dominate and control the ebook market. Amazon's device is specifically designed to use a format other than the open industry-standard EPub format. As Amazon increases its market share via Kindle, there will be less and less incentive for publishers and authors to use the Epub format, which will allow Amazon to dominate the market for ebooks even further. Surely it cannot be sound public policy to encourage such a monopoly.

Further, Amazon's direct entry as a publisher itself clearly gives the company all the more reason to wreak havoc on the rest of the publishing industry by exploiting the ability to promote its own books over those of competitors and independent authors.

The DoJ should consider the implications of allowing Amazon to exploit the network effects of device and operating system dominance to force publishers and authors to submit to the company's increasingly monopolistic role in the all aspects of the market for print and electronic books. Surely, aiding and abetting the growth of a monopoly in book publishing cannot be sound public policy.

Sincerely,

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