

John R. Read
Chief, Litigation III Section
United States Department of Justice
450 5th St NW
Suite 4000
Washington DC 20530

June 19, 2012

Regarding: United States v. Apple, Inc. et al., No. 12-CV-2826(DLC) (S.D.N.Y.) –
Comments on Proposed Final Judgment as to Defendants Hachette, HarperCollins, and
Simon & Schuster

Dear Mr. Read,

I am writing to register my formal objections to the proposed settlement between the Department of Justice (DOJ) and three major publishers (United States v. Apple, Inc. et al., No. 12-CV-2826(DLC) (S.D.N.Y.) – Comments on Proposed Final Judgment as to Defendants Hachette, HarperCollins, and Simon & Schuster). DOJ's attack on the agency model is misguided. The agency model creates a leveling playing field for a greater variety of retailers, including traditional brick and mortar stores. The agency model has been endorsed by the American Booksellers Association (ABA). Their research has demonstrated that since major publishers have adopted the agency model, there has been a decline in the price of e-books. The likely consequence of settlement is greater concentration of power in the hands of the largest e-book retailer, and less consumer choice in the future, which is clearly not in public interest. As Scott Turow, president of the Author's Guild has said, "...our government may be on the verge of killing real competition in order to save the appearance of competition."

Sincerely yours,
Ross Mandel