

From: Peter Goodman [mailto:peterlordgoodm[REDACTED]]
Sent: Sunday, June 24, 2012 2:19 AM
To: Read, John [John.Read@ATR.USDOJ.gov]
Subject: U.S. vs. Apple, Inc., et al., 12-cv-2826 (DLC) (SDNY)

John R. Read, Esq. (john.read@usdoj.gov) Chief, Litigation III Antitrust Division, United States Department of Justice Washington, D.C. 20530

With reference to:

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

Dear Mr. Read:

I am publisher of Stone Bridge Press, Inc. in Berkeley, California. We are one of thousands of independent presses in the United States that rely on a free market as well as a vigorous and competitive retail environment to make our hardcover and paperback books available to and discoverable by the reading public.

I urge you to rethink the judgment that would allow Amazon to continue its predatory pricing and noncompetitive practices. Amazon is clearly being consciously selective about which books it chooses to discount heavily and sell at a loss, with the clear implication that its strategy is designed at the outset to drive business to its online site and at the same time drive other businesses out of the marketplace for those same titles. Simply saying that Amazon should not take a loss on an entire publisher's list is not enough to prevent this kind of destructive cherry-picking.

A free market dominated by an aggressive monopolist intent on driving competition out of business is not free.

Publishers who lose access to brick and mortar booksellers will no longer be able to pursue costly projects with large up-front investments in the expectations that revenues will be created to cover those costs.

It is certainly not the function of the DOJ to facilitate, sanction, or otherwise encourage such non-competitive practices.

Please consider the total context of your decision, and do try to understand the way the publishing business works before you make your determination.

I think you will see that fairness demands that you reject any judgment that eliminates agency pricing and at the same time gives Amazon a completely free hand in destroying a vital marketplace.

Yours truly,

Peter Goodman
Publisher

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