

From: Kim Henderson [mailto:cazny3[REDACTED]]
Sent: Monday, June 11, 2012 4:29 PM
To: ATR-Antitrust - Internet
Subject: United States v. Apple, Inc. et al., No. 12-CV-2826(DLC) (S.D.N.Y.) – Comments on Proposed Final Judgment

June 11, 2012

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

RE: 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 found it quite stunning that you would support legislation that would definitely close independent book stores, any book store for that matter, and not to mention hampering the publishing world in general or a future writer.

So, it appears that you believe in forcing any book store, publisher, or future writer to lower its prices and standards so that Amazon can dictate book prices? That is so absurd. What if in the next 10 or 20 years court cases were handled in the same manner - - the lowest bidder for the courts, it's fees, and discourse of law or for that matter for any future case were handled on-line thereby limiting a courtroom's dialogue as they are handled today? If everyone has to make cut backs than surely the justice system would have to do the same and that would mean that lawyers would not have jobs like they do today or the way that you are employed. I think it would be grand if a ton of lawyers were out of jobs.

The invention of i-Pad's, Nook's, and Kindle's brought a new niche in the book field. You get a neat, thin tablet in your hands, but give up having something tangible like having a library of books or if one is lucky enough to be the owner of a rare book. Some individuals who purchase this technology don't value real books - - the ones that have a book cover, a hard back spine, maybe it's made of beautifully, hand carved leather and is old or has old, expensive paper or pages. To keep up with the new technology in the

literary field, book stores from the independents to the chains and publishers have to raise their prices on e-book sales. This is really a matter of business and it makes sense.

The same is true for newspapers. So, if someone wants to only view a newspaper on-line and give up the one that you can hold in your hands and can actually touch it, even having ink on your hands or smelling that neat paper in your hands, than that same person will pay more to examine an on-line newspaper instead on having a real one, held in both hands. Yes, I am old school and have strong standards.

Oh, and Apple and the publishing industry is not coming up with schemes or conspiracy's to affect book prices. The same is most certainly not true of media and newspapers. Anytime, someone wants to read something on-line the price should go up and this makes good business practice. Obviously you are not a businessman and would not know anything about carving out a niche for yourself like owning a business.

Do you loath bibliophiles? Do you despise the literary field in general? This absurd lawsuit will make you look ridiculous.

Do you have any books that you adore? I am referring to the one's you hold in your hand and can turn the pages with your finger, the old books with spines that have grand leather covers, and sometimes they can have that wonderful musty smell. If you have ever read a book in this manner, have books in your office or home than you are hypocrite. Gee, when you prepared for this case I am sure you and your cronies had to look at case law and look up cases that are notoriously bound in books like these. I know you are a hypocrite because any law firm has law books of this nature and you can't have it both ways.

I am responding to something called The Tunney Act, which allows members of the public to comment on any proposed settlement by the government on a civil antitrust suit. The "Competitive Impact Statement" filed in court by the Department of Justice on April 11th states that the Depart of Justice will cause written comments received from any person to be filed with the court and published in the Federal Register.

Therefore, I feel strongly that we must keep the publishers and bookstores alive—both independents and the remaining chains. I am in agreement that the terms of the settlement are onerous for publishing, future writers, and bookstores.

Sincerely,

K Formgren