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June 25, 2012

Mr. John Read  
Chief Litigation III Section  
Antitrust Division  
U.S. Department of Justice  
450 5th Street, NW, Suite 4000  
Washington, DC 20530

Re: Comments on the Proposed Consent Decree in United States v. Apple, Inc., et al., 77 Fed. Reg. 24518 (April 24, 2012)

Dear Mr Read

I am co-owner of a Flyleaf Books, a 6000 square foot general independent bookseller in Chapel Hill, NC. I am also President of Board of Directors of the Southern Independent Booksellers Alliance.

My co-owners and I started Flyleaf Books from scratch in November 2009, and despite the bleak economic climate we have enjoyed steady double-digit growth in the two and a half years since. In creating Flyleaf we hired local carpenters, accountants, lawyers, bookkeepers, design professionals and continue to depend on countless other local businesses and individuals for our supplies and services. Two of our employees were out of work for at least a year prior to our hiring them, and we've collected many tens of thousands of dollars in sales tax for our community and the state of North Carolina. As we're the only independent bookstore selling new books and e-books in our town and county, that's sales tax collected that was otherwise going out of state... or more accurately, simply going uncollected.

I am writing to you today to tell you I support the Agency Model for e book sales. It is my experience as both a bookseller and a consumer of e-books that the Agency Model enhances customer choices and promotes competition. In fact, I would never have considered entering the e-book reseller market in 2010 had it not been for the Agency Model. The Model, by discouraging Amazon.com's practice of selling books for less than they paid the publishers for them, allows me to be able to offer e-books to my consumers. I don't sell flat-screen televisions which compensate for the loss on another item, but as I sell e-books to my consumers I'm able to introduce them to small and medium publishers' books they surely wouldn't have known about had I not been talking with them. The Agency Model promotes competition—my bookstore selling ebooks -- and consumer choice—my customers having more publishers' works to choose from, and they're paying less for these books than they did before the Agency Model.

If the Agency Model goes away, even for a few years, I most likely won't be able to sell e books. Amazon will resume their monopolistic grip on e-book purchases and readers and I will lose this revenue stream. This will significantly hinder my ability to grow my business and expand my staff as I am planning to do.

In my opinion, it makes no sense to do away with the Agency Model when it promotes competition among resellers, choice and value among consumers. The Agency Model has been a welcome correction to Amazon.com's predatory practices focused on the book business in specific and bricks-and-mortar resellers in general. I hope you consider the viability and legality of the Agency Model.

Please do not hesitate to contact me if you should have any questions.

Thank you for your consideration.

Regards



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President, Board of Directors of the Southern Independent Booksellers Alliance