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June 22, 2012

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

Dear Mr. Read,

We write to you to request that you discontinue the civil suit filed by the Department of Justice against Apple and five major publishers with agency model pricing for e-books (including the three publishers who have settled).

We own and operate a small, independent bookstore. Our shelf copy of *Merriam-Webster's Collegiate Dictionary* defines antitrust as follows: "of, relating to, or being legislation against or opposition to trusts or combinations; specifically: consisting of laws to protect trade and commerce from unlawful restraints and monopolies or unfair business practices." In theory, you should understand this but in practice, you seem not to. The agency model corrected the problem of one company selling ebooks at prices below cost and helped prevent a monopoly of the ebook industry, not the other way around.

When a company sells a product below its cost, there are two obvious possible motives. One is as a loss leader, to bring new customers in and have them buy other products while shopping. The other reason is to drive competitors out of business. Whatever the reason, although the result might have been a short term price reduction for consumers, the entire product - the pbook as well as the ebook - was being devalued. It does not take collusion on the part of the manufacturers whose products are being undervalued, and whose long-term solvency is at stake, to understand why they might be opposed to, and take individual action to, change the situation. Since the result of the agency model for pricing of ebooks was to substantially INCREASE competition, the DOJ lawsuit is incomprehensible to us – as business people, as taxpayers, and as voters.

We have been retailers for over 20 years, so we understand the concept and the reality of both competition and fairness. We are not lawyers and do not pretend to understand the intricacies of antitrust law. Your mission is to foster actual competition, not merely the appearance of competition.

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LITIGATION III, ANTITRUST DIV.
U.S. DEPT OF JUSTICE

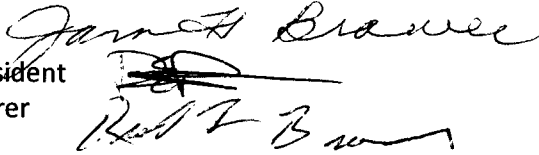
Whatever your intent, the results of this lawsuit are both monopolistic and unfair. We strongly urge you to drop this lawsuit immediately.

Sincerely,

Jean H. Brower, President

Rondi E. Brower, Vice President

Richard L. Brower, Treasurer

Handwritten signatures of the three Brower family members. The first signature is 'Jean H. Brower', the second is 'Rondi E. Brower', and the third is 'Richard L. Brower'.

CC:

Senator Kirsten Gillibrand

Senator Charles E. Schumer

Congressman Chris Gibson (NY, 20th District)

Dan Cullen, American Booksellers Association