

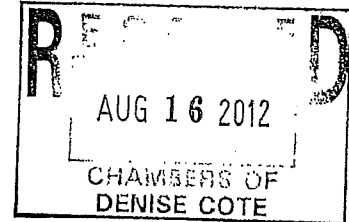
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August 15, 2012



BY HAND DELIVERY

The Honorable Denise L. Cote
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1610
New York, NY 10007-1312

Re: *United States v. Apple Inc., et al.*, 12-cv-02826 (DLC)

Dear Judge Cote:

Pursuant to Your Honor's Individual Practices in Civil Case, enclosed please find Exhibit A to Penguin's Observations with Respect to the Government's Response to Public Comments and Motion For Entry of Final Judgment (DE 103), which Penguin seeks to file under seal.


Exhibit A is an analysis of pre-agency prices of Penguin eBooks sold by Amazon, prepared by Penguin using data provided by Amazon to the Department of Justice and produced to Penguin by the DOJ in this litigation. The Amazon data have been designated "Highly Confidential" pursuant to the Protective Order (DE 43).

While Penguin intends to seek a down-designation of this Exhibit, and potentially the Amazon transactional data, pursuant to Paragraph 14(a) of the Protective Order, as presently designated, this data cannot be publicly disclosed.

Therefore, Penguin requests that the Court file the enclosed Exhibit A under seal.

Sincerely,

Granted.
Denise Cote
Sept. 6, 2012


Daniel Ferrel McInnis

Enclosure

cc: All counsel of record by electronic mail (w/enc)