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October 15, 2012

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 10/26/12

The Honorable Denise L. Cote  
 United States District Court Judge  
 Southern District of New York  
 500 Pearl Street, Room 1610  
 New York, NY 10007

**Re: *In re: Electronic Books Antitrust Litigation, No. 11-md-02293-DLC (S.D.N.Y)***

also file in 11-mc-351 (DLC)

Dear Judge Cote:

also file in 12-cv-2826 (DLC)

As you requested at last Tuesday's hearing, attached hereto is a report showing the search terms Amazon has agreed to run with hits broken out by the five custodians. You also asked for a brief description of the roles of those five custodians:

Steven Kessel: Senior VP, Digital Management. Mr. Kessel was responsible for all aspects of Amazon's Kindle business, including both content and devices, and was involved in developing Amazon's response to publishers' decisions to window and/or impose the agency model for ebook sales. He reports directly to Amazon CEO Jeff Bezos.

Russell Grandinetti: VP, Kindle. Mr. Grandinetti is responsible for all aspects of book content for Amazon's Kindle business, from pricing, high-level strategy, and long-term planning to contract negotiations with publishers. Mr. Grandinetti was and is directly involved in developing Amazon's response to publishers' decisions to window and/or impose the agency model for ebook sales. Mr. Grandinetti is also part of the executive team that plans new Kindle devices, features, and content. Mr. Grandinetti reports directly to Amazon CEO Jeff Bezos.

David Naggar: VP, Content Acquisition. Mr. Naggar is responsible for acquiring book content for Amazon's Kindle business. He is involved in strategy and long-term planning, contract negotiations with publishers, and was and is directly involved in developing Amazon's response to publishers' decisions to window and/or impose the agency model for ebook sales. He reports to Mr. Grandinetti.

Laura Porco: Until January 2011 when she moved to a different area of the company, Ms. Porco was Director, Vendor Management and reported to Mr. Naggar. She was involved in managing Amazon's relationships with Kindle content providers, and in developing Amazon's response to publishers' decisions to window and/or impose the agency model for ebook sales.

John Lange: Associate General Counsel, Kindle Content. Mr. Lange is the in-house attorney primarily involved in drafting and negotiating contracts with publishers for Kindle content and advising the Kindle content business team, especially Mr. Grandinetti, Mr. Naggar and Ms. Porco.

In addition to the custodians and terms Amazon has agreed to search, Apple proposes adding three custodians (Jeff Bezos, Ian Freed and Aaron McGrath) and 11 (mostly compound) search terms. Amazon addressed these matters during the October 9 hearing. By way of further response:

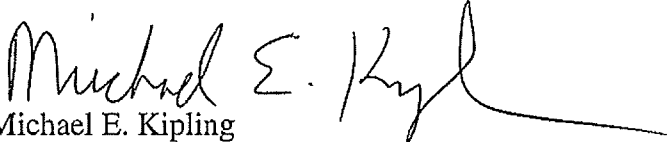
Jeff Bezos: We believe in good faith that relevant internal communications to or from Mr. Bezos will be found in the searches of one or more of the five custodians we have agreed to search, so that a full-scale search of Mr. Bezos' ESI will yield few if any unique documents but will be extremely burdensome and invasive due to his role as CEO.

Ian Freed: Mr. Freed's role in publisher relationships was limited and pre-dated the conspiracy alleged in this matter; his ESI from that time period has already been searched and produced. Since that time, Mr. Freed's role has been limited to the device side of the business; as such his ESI contains a great deal of extremely sensitive information that is of limited relevance to this lawsuit.

Additional Search Terms: The additional proposed search terms largely relate to devices (as opposed to eBooks) or to Amazon's publishing business; Apple's request ignores the Court's directions as to these specific subject matter areas. October 9, 2012 Hearing Transcript, pp. 31 – 34.

Sincerely,

KIPLING LAW GROUP PLLC

  
Michael E. Kipling  
Counsel for Non-Party Amazon.com, Inc.

cc: Counsel for Apple, Inc.