

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,
v.
APPLE, INC., et al.,
Defendants.
Civil Action No. 1:12-CV-2826
ECF Case

PLAINTIFF UNITED STATES' PROPOSED SCHEDULE
FOR PENGUIN TUNNEY ACT REVIEW

On December 18, 2012, the United States filed a proposed Final Judgment as to Defendants Penguin Group (USA), Inc. and The Penguin Group, a division of Pearson plc (collectively "Penguin"), and a stipulation by the United States and Penguin to the entry of the proposed Final Judgment after compliance with the requirements of the Antitrust Procedures and Penalties Act ("Tunney Act"), 15 U.S.C. § 16. Pursuant to the Court's December 19, 2012 Order, the United States proposes the following schedule for the completion of the Tunney Act requirements:

- 1. The United States anticipates that the Federal Register and newspaper publication requirements of 15 U.S.C. §§ 16(b) and (c) will be completed by January 4, 2013, which will begin the sixty-day public comment period prescribed by 15 U.S.C. §§ 16(b) and (d). The public comment period will end on or about March 5, 2013. The United States will file the comments it receives and its Response to Comments by no later than April 5, 2013.

2. After *Federal Register* publication of the Response to Comments and the comments themselves (or, if the volume of public comments warrants and with the permission of the Court, posting of the comments on the Department of Justice’s website, *see* 15 U.S.C. §§ 16(b) and (d)), the United States will move for entry of the proposed Final Judgment by no later than **April 19, 2013**.

3. Should the Court request additional briefing on the United States’ motion for entry of the proposed Final Judgment, the United States proposes that party responses to the United States’ motion for entry of the proposed Final Judgment be filed by no later than **May 3, 2013** and the United States’ reply in support of its motion for entry of the proposed Final Judgment be filed by no later than **May 10, 2013**.

Dated: January 3, 2013

Respectfully submitted,

/s/ Mark W. Ryan
Mark W. Ryan
Lawrence E. Buterman
Attorneys for the United States
United States Department of Justice
Antitrust Division
450 Fifth Street, N.W., Suite 4000
Washington, D.C. 20530
(202) 532-4753
Mark.W.Ryan@usdoj.gov

CERTIFICATE OF SERVICE

I, Stephen Fairchild, hereby certify that on January 3, 2013, I caused a copy of Plaintiff United States' Proposed Schedule for Penguin Tunney Act Review to be served by the Electronic Case Filing System, which included the individuals listed below.

For Apple:

Daniel S. Floyd
Gibson, Dunn & Crutcher LLP
333 S. Grand Avenue, Suite 4600
Los Angeles, CA 90070
(213) 229-7148
dfloyd@gibsondunn.com

For Hachette:

Walter B. Stuart, IV
Freshfields Bruckhaus Deringer LLP
601 Lexington Avenue
New York, NY 10022
(212) 277-4000
walter.stuart@freshfields.com

For Macmillan and Verlagsgruppe Georg
Von Holtzbrinck GMBH:

Joel M. Mitnick
Sidley Austin LLP
787 Seventh Avenue
New York, NY 10019
(212) 839-5300
jmitnick@sidley.com

For HarperCollins:

Paul Madison Eckles
Skadden, Arps, Slate, Meagher & Flom
Four Times Square, 42nd Floor
New York, NY 10036
(212) 735-2578
pmeckles@skadden.com

For Penguin U.S.A. and the Penguin Group:

Daniel F. McInnis
Akin Gump Strauss Hauer & Feld, LLP
1333 New Hampshire Avenue NW
Washington, DC 20036
(202) 887-4000
dmcinnis@akingump.com

For Simon & Schuster:

Yehudah Lev Buchweitz
Weil, Gotshal & Manges LLP (NYC)
767 Fifth Avenue, 25th Floor
New York, NY 10153
(212) 310-8000 x8256
yehudah.buchweitz@weil.com

Additionally, courtesy copies of Plaintiff United States' Proposed Schedule for Penguin Tunney Act Review have been provided via e-mail to the following:

For the State of Connecticut:

W. Joseph Nielsen
Assistant Attorney General
Antitrust Division
Office of the Attorney General
55 Elm Street
Hartford, CT 06106
(860) 808-5040
Joseph.Nielsen@ct.gov

For the State of Texas:

Gabriel R. Gervey
Assistant Attorney General
Antitrust Division
Office of the Attorney General of Texas
300 W. 15th Street
Austin, Texas 78701
(512) 463-1262
gabriel.gervey@oag.state.tx.us

For the Private Plaintiffs:

Jeff D. Friedman
Hagens Berman
715 Hearst Ave., Suite 202
Berkeley, CA 94710
(510) 725-3000
jefff@hbsslaw.com

s/ Stephen T. Fairchild
Stephen T. Fairchild
Attorney for the United States
United States Department of Justice
Antitrust Division
450 Fifth Street, N.W., Suite 4000
Washington, D.C. 20530
(202) 532-4925
stephen.fairchild@usdoj.gov