



4. The 60-day comment period specified in 15 U.S.C. § 16(b) commenced on January 4, 2013 and ended on March 5, 2013;

5. The United States received and responded to three comments on the proposed Penguin Final Judgment. The comments and the Response to Comments were posted on the Antitrust Division's website at <http://www.justice.gov/atr/cases/apple/index-1.html> and filed with the Court on April 5, 2013 (Docket No. 201). Pursuant to 15 U.S.C. § 16(d) and with the Court's authorization (Docket No. 200), the Response to Comments and the above location on the Antitrust Division's website at which the three public comments are accessible were published in the *Federal Register* on April 15, 2013, *see* 78 Fed. Reg. 22298;

6. Pursuant to 15 U.S.C. § 16(g), Penguin filed with the Court on April 15, 2013 (Docket No. 204) a description of communications by or on behalf of Penguin with any officer or employee of the United States concerning or relevant to the proposed Penguin Final Judgment;

7. Pursuant to the Stipulation filed on December 18, 2012, and 15 U.S.C. § 16(e), the Court may enter the proposed Penguin Final Judgment after it determines that the proposed Final Judgment serves the public interest;

8. The United States' Competitive Impact Statement and Response to Comments demonstrate that the proposed Penguin Final Judgment satisfies the public interest standard of 15 U.S.C. § 16(e); and

9. Penguin and the United States have now satisfied all of the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), as a condition for entering the

proposed Penguin Final Judgment, and it is now appropriate for the Court to make the necessary public interest determination required by 15 U.S.C. § 16(e) and enter the proposed Penguin Final Judgment.

Dated: April 18, 2013

Respectfully submitted,

s/Mark W. Ryan

Mark W. Ryan  
Lawrence E. Buterman  
Stephanie A. Fleming  
Attorneys for the United States  
United States Department of Justice  
Antitrust Division  
450 Fifth Street, NW, Suite 4000  
Washington, DC 20530  
(202) 532-4753  
Mark.W.Ryan@usdoj.gov