



# MEMO ENDORSED

Department of Justice

Antitrust Division

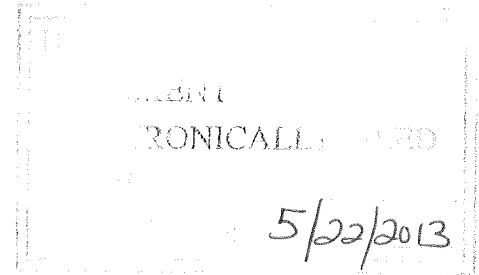
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May 22, 2013

## SENT ELECTRONICALLY

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



Re: *United States, et al. v. Apple, Inc., et al.*, Case No. 12-CIV-2826 (DLC)

Dear Judge Cote:

The United States asks that the Court excuse costly *Federal Register* publication of the single public comment submitted concerning the proposed Final Judgment as to Defendants Verlagsgruppe Georg von Holtzbrinck GmbH and Holtzbrinck Publishers, LLC d/b/a/ Macmillan (collectively, “Macmillan”), filed with the Court on February 8, 2013 (Docket No. 174-1). The United States again proposes to publish the public comment it received on the Antitrust Division’s website, in tandem with *Federal Register* publication of the internet address at which the public can read and download the comment. The United States conferred with counsel for Apple and Macmillan and neither opposes this motion.

The Tunney Act, as amended in 2004, authorizes the United States to publish public comments by “alternative means” pursuant to 15 U.S.C. § 16(d) when the costs of *Federal Register* publication exceed the benefits thereof. In connection with the proposed Final Judgment as to Macmillan, *Federal Register* publication of the 26-page comment, at a cost of \$522 per page, will generate publication costs of more than \$13,000.<sup>1</sup> The available alternative means of publication of this comment makes this significant expenditure of taxpayer funds unwarranted. This Court granted two previous requests by the United States to publish public comments on the Antitrust Division’s website rather than in the *Federal Register* (Docket Nos. 60 and 200).

<sup>1</sup> See Government Printing Office Circular Letter No. 851 (June 8, 2012), available at: <http://www.gpo.gov/pdfs/customers/cir851.pdf>.

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Accordingly, the United States asks that the Court excuse publication of the public comment concerning the proposed Final Judgment as to Macmillan in the *Federal Register* and, instead, allow it to be posted on the Antitrust Division website in conjunction with *Federal Register* publication of the internet address at which it can be read and downloaded.

Respectfully Submitted,

s/Mark Ryan  
Mark Ryan  
Counsel for the United States

cc: Provided electronically to all parties in this action.

Granted.

Denise Cote  
May 22, 2013