

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

<hr/>		)
UNITED STATES OF AMERICA,		)
	Plaintiff,	)
	v.	)
APPLE, INC., <i>et al.</i> ,		)
	Defendants.	)
<hr/>		)

Civil Action No. 12-cv-2826 (DLC)

<hr/>		)
THE STATE OF TEXAS, <i>et al.</i> ,		)
	Plaintiffs,	)
	v.	)
PENGUIN GROUP (USA) INC., <i>et al.</i> ,		)
	Defendants.	)
<hr/>		)

Civil Action No. 12-cv-03394 (DLC)

**NOTICE OF MOTION OF PROPOSED *AMICUS CURIAE* KOBO INC. FOR LEAVE TO FILE AN *AMICUS CURIAE* BRIEF IN SUPPORT OF PROPOSED FINAL JUDGMENT**

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Proposed Amicus Curiae Kobo Inc. in Support of Proposed Final Judgment, Kobo Inc. (“Kobo”) hereby moves this Court, before Judge Denise M. Cote at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York, for leave to file its proposed amicus brief in support of the Proposed Final Judgment, which was filed with the court on August 2, 2013.

Kobo notes that on August 7, 2013, Kobo filed a letter with the Court requesting permission to file a short amicus brief, which was granted by endorsement on August 8, 2013. On August 8, 2013, Kobo filed an additional letter with the Court providing more details regarding Kobo's request for permission. On August 8, 2013, Kobo received reaffirmation from the Court of its permission to file an amicus brief.

Additional grounds for this motion are more fully set forth in the accompanying memorandum of law.

August 8, 2013

Of Counsel:

Nick Catros\*  
SVP Business and Legal Affairs  
Kobo Inc.  
135 Liberty Street, Suite 101  
Toronto, ON M6K 1A7  
(416) 800-1223 x3440

*\*Not admitted in New York*

Respectfully Submitted,

/s/ Gregory J. Wallance  
Gregory J. Wallance  
Kaye Scholer LLP  
425 Park Avenue  
New York, NY 10022  
(212) 836-8878  
Robert B. Bell\* (*pro hac vice pending*)  
Kaye Scholer LLP  
901 Fifteenth Street, NW  
Washington, DC 20005  
(202) 682-3500

*Counsel for Proposed Amicus Curiae  
Kobo Inc.*