

EXHIBIT B

November 27, 2013

Lawrence J. Buterman, Esq.
United States Department of Justice
450 5th Street NW, Suite 4000
Washington, D.C. 20530

Gabriel R. Gervev, Esq.
Office of the Texas Attorney General
P.O. Box 12548
Austin, TX 78711

Re: *United States v. Apple Inc. et al.*, 12-cv-2826 (DLC);
State of Texas, et al. v. Penguin Group (USA) Inc., et al., 12-cv-3394 (DLC)

Dear Larry and Gabriel:

Pursuant to Section VI.H of the Final Judgment, we write to provide the United States and Plaintiff States with notice of Apple's continuing objections to certain actions by the External Compliance Monitor ("ECM") which are outside the scope of the Final Judgment and violate Apple's rights. As set forth in detail in Apple's "Objections to the Court's Order Filed on November 21, 2013" (Dkt. 411), Apple objects to the ECM's premature and increasingly intrusive requests to interview its Board of Directors, the entire Apple executive team, and others, as extra-judicial and unauthorized by the mandate of the Final Judgment. *See* Objections at 10–15. Apple further objects to the ECM's direct communications with Apple's Board of Directors (*See id.* at 14, 17), and his extraordinary fee structure, which is not "reasonable and customary," and subjects Apple to an unconstitutional investigation by an individual whose personal financial interest is in line with a broad and lengthy investigation. *Id.* at 22–24.

We are available to discuss these issues with you at your convenience.

Sincerely,



Theodore J. Boutros Jr.

Enclosure