



ATTORNEY GENERAL OF TEXAS  
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June 26, 2012

The Honorable Denise L. Cote  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 1610  
New York, NY 10007-1312

DLF  
6/27/12

Via E-mail

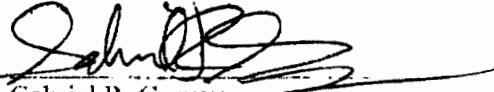
**Re: *The State of Texas et al. v. Penguin Group (USA) Inc. et al.*, No. 12-cv-3394 (DLC); *United States v. Apple, Inc., et al.*, No. 12-cv-2826 (DLC); *In re Electronic Books Antitrust Litig.*, No. 11-md-2293 (DLC)**

Dear Judge Cote:

Consistent with discussion at the June 22, 2012 status conference in the above-referenced matters, we write to inform the Court that the Plaintiff States are amenable to a bench trial before the Court on issues of liability and injunctive relief in our case, Case No. 12-cv-3394, should that trial proceed concurrently with the trial in *United States v. Apple et al.*, Case No. 12-cv-2826. At the status conference, no party in any of the above-referenced matters objected to the Plaintiff States' case proceeding in this manner. Accordingly, as to all issues of liability and injunctive relief, the Plaintiff States respectfully request that the Court enter an appropriate order permitting Case No. 12-cv-3394 to proceed to trial on the same track as Case No. 12-cv-2826.

After the Court makes a determination on liability, issues related to damages can be the subject of further proceedings. At this time, the Plaintiff States reserve our right to a jury trial on damages-related issues.

Respectfully,



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On Behalf of the Plaintiff States

cc: Counsel for Plaintiff States  
Counsel for Defendants  
Counsel for Plaintiff United States  
Counsel for Class Plaintiffs