

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

APPLE, INC.; HACHETTE BOOK GROUP,
INC.; HARPERCOLLINS PUBLISHERS
L.L.C.; VERLAGSGRUPPE GEORG VON
HOLTZBRINCK GMBH; HOLTZBRINCK
PUBLISHERS, LLC d/b/a/ MACMILLAN;
THE PENGUIN GROUP, A DIVISION OF
PEARSON PLC; PENGUIN GROUP (USA),
INC.; and SIMON & SCHUSTER, INC.,

Defendants.

Civil Action No. 1:12-CV-2826

**ORDER GRANTING MOTION FOR LEAVE
TO SERVE AS *AMICI CURIAE***

American Booksellers Association (“ABA”) and Barnes & Noble, Inc. (“Barnes & Noble”), having filed a Motion for Leave to File *Amici Curiae* Responses to the U.S. Department of Justice (“DOJ”) Tunney Act Filings; and

Upon consideration of any responses or opposition thereto;

NOW, upon reading the Motion and for good cause shown, IT IS

ORDERED, that ABA and Barnes & Noble may participate as *Amici Curiae* in the Tunney Act proceedings to evaluate the public interest of the DOJ’s Motion for Entry of Proposed Final Judgment; and

IT IS FURTHER ORDERED, that the Clerk of the Court is hereby directed to accept from *Amici Curiae* ABA and Barnes & Noble, not later than August 15, 2012, a response of not

more than 10 pages to DOJ's Response to Comments and a response of not more than 5 pages to DOJ's Motion for Entry of Proposed Final Judgment; and

IT IS FURTHER ORDERED, that the Clerk of the Court is hereby directed to provide notice to counsel for *Amici Curiae* ABA and Barnes & Noble of the date of any hearing scheduled on DOJ's Motion for Entry of Proposed Final Judgment so that *Amici Curiae* may participate in and offer oral argument at that hearing.

SIGNED this ____ day of _____, 2012.

THE HONORABLE DENISE L. COTE