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AMICUS CURIAE

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April 29, 2013

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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:

I have filed today, through pro bono counsel, a Motion to File a proposed brief *Amicus Curiae* in response to the public comments filed by the Government in the above-referenced matter with respect to the proposed Final Judgment with the Penguin defendants.

Pursuant to Local Civil Rule 6.1(c), and this Court's *Individual Practices in Civil Cases* (Revised: August 23, 2011) at §3.E. ("Oral Argument on Motions"), I respectfully request that the Court hold a hearing on the Plaintiff's Motion for Entry of Final Judgment and that the Court permit me to participate in oral argument at any such hearing to address issues that have been raised by the Justice Department's response to the public comments.

The Court's public interest determination in this matter is of great public concern and, since none of the parties will be opposing the settlement, qualified amicus should be allowed to address the Court.

Respectfully submitted,

Bob Kohn

cc: Provided by email to the Plaintiff, as well as the Defendants in this action.