6(b) of the Act on October 11, 2012 (77 FR 61786).

The last notification was filed with the Department on December 28, 2013. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on February 1, 2013 (78 FR 7455).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2013–08717 Filed 4–12–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—IMS Global Learning Consortium, Inc.

Notice is hereby given that, on March 19, 2013, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), IMS Global Learning Consortium, Inc. (''IMS Global'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Harvard Business Publishing, Watertown, MA; and VSCHOOLZ Inc., Coral Springs, FL, have been added as parties to this venture.

Also, The Open University, Milton Keyes, England, UNITED KINGDOM; Moodlerooms, Baltimore, MD; Microsoft, Redmond, WA; and University of Maryland University College, Adelphi, MD, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and IMS Global intends to file additional written notifications disclosing all changes in membership.

On April 7, 2000, IMS Global filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 13, 2000 (65 FR 55283).

The last notification was filed with the Department on December 28, 2012. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on February 1, 2013 (78 FR 7456).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2013–08682 Filed 4–12–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Advanced Media Workflow Association, Inc.

Notice is hereby given that, on March 20, 2013, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Advanced Media Workflow Association, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, National Archives and Records Administration, Washington, DC; Lawrence Kaplan (individual member), Menlo Park, CA; Jone Lee (individual member), Suwon, REPUBLIC OF KOREA; Joseph Spillman (individual member), Temecula, CA; and Ian Wimsett (individual member), London, UNITED KINGDOM, have been added as parties to this venture.

Also, Chyron Corp., Melville, NY; Cineflix Productions, Toronto, CANADA; Cube-Tec International, Bremen, GERMANY; Portability 4 Media, Aultbeau, Achnasheen, UNITED KINGDOM; Quantum, Englewood, CO; and Patrick Cusack (individual member), Los Angeles, CA, have withdrawn as parties to this venture. In addition, the following members have changed their names: DVS Digital Video to Rohde & Schwarz DVS, Hannover, GERMANY; and OpenCube Technologies to EVS Broadcast Equipment, Ramonville Saint-Agne, FRANCE.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Advanced Media Workflow Association, Inc. intends to file additional written notifications disclosing all changes in membership.

On March 28, 2000, Advanced Media Workflow Association, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 29, 2000 (65 FR 40127).

The last notification was filed with the Department on December 26, 2012. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on February 1, 2013 (78 FR 7455).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2013–08684 Filed 4–12–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Vehicle Infrastructure Integration Consortium

Notice is hereby given that, on March 21, 2013, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Vehicle Infrastructure Integration Consortium (''VIIC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Hyundai America Technical Center, Inc., Superior Township, MI, has joined VIIC as a member.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and VIIC intends to file additional written notifications disclosing all changes in membership.

On May 1, 2006, VIIC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 2, 2006 (71 FR 32128).

The last notification was filed with the Department on November 18, 2010. A notice was published in the **Federal Register** pursuant to Section 6(b) of the

Act on December 22, 2010 (75 FR 80536).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2013–08715 Filed 4–12–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Apple, Inc., et al.; Public Comments and Response on Proposed Final Judgment

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), the United States hereby publishes below the United States' Response to Public Comments on the proposed Final Judgment as to Defendants The Penguin Group, a division of Pearson PLC, and Penguin Group (USA), Inc. in *United States* v. *Apple, Inc., et al.,* Civil Action No. 12–CV–2826 (DLC), which was filed in the United States District Court for the Southern District of New York on April 5, 2013, along with copies of the three comments received by the United States.

Copies of the comments and the response are available for inspection at the Department of Justice Antitrust Division, 450 Fifth Street NW., Suite 1010, Washington, DC 20530 (telephone: 202–514–2481), on the Department of Justice's Web site at *http://www.justice.gov/atr/cases/apple/index-1.html*, and at the Office of the Clerk of the United States District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007–1312. Copies of any of these materials may also be obtained upon request and payment of a copying fee.

Patricia A. Brink,

Director of Civil Enforcement.

United States District Court for the Southern District of New York

United States of America, Plaintiff, v. Apple, Inc., et al., Defendants.

Civil Action No. 12–CV–2826 (DLC)
ECF Case

Response by Plaintiff United States to Public Comments on the Proposed Final Judgment as to the Penguin Defendants

Pursuant to the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h) (''APPA'' or ''Tunney Act''), the United States hereby responds to the three public comments received regarding the proposed Final Judgment as to Defendants The Penguin Group, a division of Pearson PLC, and Penguin Group (USA), Inc. (collectively, ''Penguin''). After careful consideration of the comments submitted, the United States continues to believe that the proposed Final Judgment as to Penguin (''proposed Penguin Final Judgment'') will provide an effective and appropriate remedy for the antitrust violations alleged in the Complaint.

The three comments submitted to the United States, along with a copy of this Response to Comments, are posted publicly at *http://www.justice.gov/atr/cases/apple/index-1.html*, in accordance with 15 U.S.C. 16(d) and the Court's April 1, 2013 Order (Docket No. 200). The United States will publish this Internet location and this Response to Comments in the **Federal Register**, *see* 15 U.S.C. 16(d), and will then, pursuant to the Court's January 7, 2013 Order (Docket No. 169), move for entry of the proposed Penguin Final Judgment by no later than April 19, 2013.

I. Procedural History

On April 11, 2012, the United States filed a civil antitrust Complaint alleging that Apple, Inc. (''Apple'') and five of the six largest publishers in the United States (''Publisher Defendants'') conspired to raise prices of electronic books (''e-books'') in the United States in violation of Section 1 of the Sherman Act, 15 U.S.C. 1. On the same day, the United States filed a proposed Final Judgment (''Original Final Judgment'') as to three of the Publisher Defendants: Hachette Book Group, Inc., HarperCollins Publishers L.L.C., and Simon & Schuster, Inc. (collectively, ''Original Settling Defendants''). After publication of the Original Final Judgment, the United States received 868 public comments. The United States filed its response to these comments on July 23, 2012 (Docket No. 81) (''Original Response to Comments''), and filed a motion for entry of the Original Final Judgment on August 3, 2012 (Docket No. 88). On September 5, 2012, this Court issued an Opinion and Order finding that the Original Final Judgment satisfied the requirements of the Tunney Act, *see United States* v. *Apple, Inc.,* 2012 WL 3865135, at *6–7 (Slip Op. (Docket No. 113) at 16–19) (S.D.N.Y. Sept. 5, 2012), and then entered the Original Final Judgment on September 6, 2012 (Docket No. 119).

On December 18, 2012, the United States reached a settlement with Penguin on substantially the same terms as those contained in the Original Final Judgment, and filed a proposed Final Judgment and a Stipulation signed by the United States and Penguin consenting to the entry of the proposed Final Judgment after compliance with the requirements of the Tunney Act, 15 U.S.C. 16 (Docket No. 162). Pursuant to those requirements, the United States filed its Competitive Impact Statement (''CIS'') with the Court on December 18, 2012 (Docket No. 163); the proposed Final Judgment and CIS were published in the **Federal Register** on December 31, 2012, *see United States* v. *Apple, Inc., et al.,* 77 FR 77094; and summaries of the terms of the proposed Final Judgment and CIS, together with directions for the submission of written comments relating to the proposed Final Judgment, were published in *The Washington Post* for seven days beginning on December 23, 2012 and ending on December 29, 2012 and in the *New York Post* for seven days beginning on December 27, 2012 and ending on January 4, 2013. The sixty-day period for public comment ended on March 5, 2013. The United States received three comments, which are described below and attached hereto.[1]

II. The Complaint & the Proposed Final Judgment as to Penguin

A. The Publisher Defendants' Conspiracy With Apple

The United States has described the conspiracy among Apple and the Publisher Defendants in detail in a number of previous submissions to the Court, including the Complaint (Docket No. 1), the Original Response to Comments (Docket No. 81), and the CIS (Docket No. 163), and therefore offers only a relatively brief summary here.

Publisher Defendants were unhappy with Amazon.com, Inc.'s (''Amazon's'') $9.99 pricing of newly released and bestselling e-books and sought to increase those prices. Compl. ¶¶ 3, 32–34. Because each Publisher Defendant expected that Amazon would resist any unilateral attempt to force it to increase its prices and feared that it would lose sales if its e-books were priced higher than its competitors' e-books, *id.* ¶¶ 35–36, 46, they ultimately agreed to act collectively to raise retail e-book prices. *Id.* ¶¶ 47–50.

Apple's anticipated entry into the e-book business provided a perfect opportunity to coordinate the Publisher

[1] On February 8, 2013, the United States reached a settlement with Defendants Verlagsgruppe Georg von Holtzbrinck GmbH and Holtzbrinck Publishers, LLC d/b/a Macmillan (collectively, ''Macmillan''), and filed a proposed Final Judgment as to Macmillan (''proposed Macmillan Final Judgment'') and a Stipulation signed by the United States and Macmillan consenting to entry of the proposed Final Judgment after compliance with the Tunney Act (Docket No. 174). The public comment period on the proposed Macmillan Final Judgment will expire on April 28, 2013.