

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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| |) | |
| |) | |
| UNITED STATES OF AMERICA |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No.12-CV-2826 (DLC) |
| |) | |
| APPLE, INC., |) | |
| HACHETTE BOOK GROUP, INC., |) | |
| HARPERCOLLINS PUBLISHERS, L.L.C. |) | |
| VERLAGSGRUPPE GEORG VON |) | |
| HOLTZBRINK PUBLISHERS, LLC |) | |
| d/b/a MACMILLAN, |) | |
| THE PENGUIN GROUP, |) | |
| A DIVISION OF PEARSON PLC, |) | |
| PENGUIN GROUP (USA), INC. and |) | |
| SIMON & SCHUSTER, INC., |) | |
| |) | |
| Defendants. |) | |

**MOTION BY BOB KOHN FOR LEAVE TO INTERVENE
FOR SOLE PURPOSE OF APPEAL**

Movant Bob Kohn, on his own behalf and by his attorneys, and pursuant to 15 U.S.C. §16(f)(3) and Rule 24 of the Federal Rules of Civil Procedure, hereby moves for leave to intervene in this action for the sole purpose of appeal. The grounds for this motion, as more fully set forth in the accompanying Memorandum, are that Movant, together with millions of other e-book consumers and the public generally, will be a victim of the harmful effects of the Final Judgment and, as such, he has a direct and immediate interest in the outcome of this case, and that, absent his participation, appellate review of the issues raised by Movant in his public

submissions in this matter opposing the the Court's judgment and public interest determination will be foreclosed.

WHEREFORE, this motion should be granted and Movant should be authorized to intervene as a party in order to appeal the Opinion & Order regarding the Final Judgment filed on September 6, 2012. A form of proposed Order is attached.

Dated: September 7, 2012

Respectfully submitted,



BOB KOHN
California Bar No. 100793
140 E. 28th St.
New York, NY 10016
Tel. +1.408.602.5646; Fax. +1.831.309.7222
eMail: bob@bobkohn.com

/s/ Steven Brower

By: _____
STEVEN BROWER [PRO HAC]
California Bar No. 93568
BUCHALTER NEMER
18400 Von Karman Ave., Suite 800
Irvine, California 92612-0514
Tel: +1.714.549.5150
Fax: +1.949.224.6410
Email: sbrower@buchalter.com

Pro Bono Counsel to Bob Kohn