



## **NOTICE PLAN**

*State of Texas, et al. v. Hachette Book Group, et al.*

U.S. District Court for the Southern District of New York  
Case No.12-cv-6625 (DLC)

**(Revised as of October 1, 2012)**

## **PLAINTIFF STATES' PROPOSED SETTLEMENT NOTICE PLAN**

Kinsella Media, Rust Consulting and the State Attorneys General worked together to design a notice program that comports with due process and effective notification standards. It includes direct notice, paid media and earned media notice.

As detailed below, the vast majority of eligible consumers in the Plaintiff States will receive direct notice of the Settlements by email. This direct notice will be supplemented with paid media notice, and earned media outreach encompassing both traditional and social media outlets. Additionally, the claims administrator will maintain a website and call center which will provide in-depth information and assistance.

### **Direct Email Notice**

Most E-book retailers require customers to create accounts and provide a valid email address before one can purchase an E-book. In addition, most E-book retailers track each and every E-book purchase. This information provides an unusual opportunity to deliver direct notice to approximately 95% or more of eligible consumers.

**E-book Retailers:** Amazon, Barnes & Noble, Apple, Kobo, Sony, and Google have each agreed to identify, in their own internal system, all individual customers who purchased qualifying E-books. In addition, each has agreed to send an initial notice email to each identified customer eligible to receive Settlement funds.

The Retailer Email will describe, in plain, easily understood language, the basic elements of Plaintiff States' lawsuit and give notice of the proposed Settlements and the consumer's right to opt-out. The email will also identify the website and toll-free phone number that eligible

consumers can go to or call in order to receive the long-form Detailed Notice. It also informs consumers of important deadlines.

There will be three slightly different versions of the initial Retailer Email depending on whether the consumer is eligible to receive an automatic credit, a credit to activate, or a check pursuant to submitting a claim form. Each of these customers may also receive two additional email notices regarding the pending credit or check. The form and content of all the Retailer Emails are attached as Exhibit A (as revised October 1, 2012).

### **Website**

The Claims Administrator will setup a dedicated notification website with the domain name, [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com). A Detailed Notice will be posted on the website and consumers will be able to both view and download this and other documents. The Detailed Notice will provide more information as well as answers to commonly asked questions. This website will also prominently feature important dates and procedures for submission of requests for exclusion, objections or notices of appearance for the Settlement Hearing. The form and content of the Detailed Notice is attached as Exhibit B (as revised October 1, 2012).

### **Paid Media**

Given the extensive direct notice made possible by retailer participation in the notification process, paid media notice will be supplemental only. The purpose of the paid media notice as well as the earned and social media is to provide eligible consumers who do not receive direct notice with an opportunity to participate in the Settlements, and to provide those

who did receive notice with an additional opportunity to act on their rights. The supplemental media notice will include the following elements<sup>1</sup>:

**Internet Banner Advertising:** Given the nature of the purchases in this case, and the media habits of E-book owners, paid media notice will consist of banner advertising on popular websites and online ad networks. The banner advertisements will alert eligible consumers to the Settlement by using a bold headline. The headline will enable eligible consumers to quickly determine if they may be affected by the Settlements. When users click on the banner advertisement, they will be connected to the informational website that contains complete information about their legal rights. A sample banner advertisement is attached as Exhibit C.

The websites selected for inclusion in the plan are:



- 24/7 Real Media is a network that represents over 5,000 websites.
- Banner advertisements measuring 728 x 90, 300 x 250, and 160 x 600 pixels will appear, on a rotating basis, on websites that are part of the 24/7 Real Media Network for a total estimated 10,000,000 gross impressions.<sup>2</sup>
- The banner advertisements will appear for approximately 30 days.



- Facebook is a social networking site used by millions of people to keep up with friends, upload photos, share links and videos, and learn more about the people they meet.
- Banner advertisements measuring 110 x 80 pixels will appear on Facebook for a total estimated 10,000,000 gross impressions.
- The banner advertisements will appear for approximately 30 days.

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<sup>1</sup> Liaison Counsel and Kinsella Media will consult with the Settling Publishers to determine whether the Settling Publishers' parent media companies can offer reduced price or free paid media opportunities with equivalent reach, although the judgment as to whether such opportunities are actually equivalent shall remain solely with Liaison Counsel.

<sup>2</sup> Gross Impressions are the duplicated sum of audiences to the media vehicle containing the notice.

## GLAM MEDIA

- Glam Media Network is a style, fashion, and celebrity network targeted to women.
- Banner advertisements measuring 728 x 90 pixels and 300 x 250 pixels will appear on Glam Media Network for a total estimated 2,000,000 gross impressions.
- The banner advertisements will appear for approximately 30 days.



- QuadrantOne is an ad network representing over 300 national and local online news and information sites (local news, local weather, and local sports).
- Banner advertisements measuring 728 x 90, 300 x 250, and 160 x 600 pixels will appear on QuadrantOne for a total estimated 5,500,000 gross impressions.
- The banner advertisements will appear for approximately 30 days.

## Google Ads | Display Network

- Google Display Network is a collection of websites that have partnered with Google, YouTube, and specific Google properties.
- Display banners will target literature and book blogs.
- The banner advertisements will appear for approximately 30 days.



- Pheedo (Really Simply Syndication Feed Advertising) is a network of RSS feeds to people who subscribe to timely updates from favored websites or to aggregate feeds from many sites into one place.
- Banner advertisements measuring 728 x 90, 300 x 250, 160 x 60, and 468 x 60 pixels will appear on Pheedo for a total estimated 1,000,000 gross impressions.
- The banner advertisements will appear for approximately 30 days.

**Mobile Device Advertising:** Additional notice will be provided through ads that would appear on mobile devices including tablets. Mobile advertisements will be substantially similar in

content to the banner advertisements and will also connect users who click on them to the informational website. The selected mobile websites are:



- Jumptap is a network of mobile sites and applications.
- Display ads will appear on mobile devices for a total estimated 1,500,000 gross impressions.
- The banner advertisements will appear for approximately 30 days.



- Millennial Media is a mobile and app platform that uses technology to target mobile consumer behavior attributes.
- Display ads will appear on tablets for a total of 2,000,000 gross impressions. (The exact size of the banners is to be determined.)
- The banner advertisements will appear for approximately 30 days.

**Print Media:** The supplemental paid media will include newspaper notice in the U.S. territories and commonwealths. The print Publication Notice will inform consumers in plain, easily understood language of the pendency of the lawsuit and of the proposed Settlements. It will also apprise consumers that a Detailed Notice is available upon request or by visiting the website. The form and content of the print Publication Notice is attached as Exhibit D. (as revised October 1, 2012). The Publication Notice will appear in the following newspapers:

- *El Nueva Dia*
- *El Vocero*
- *Pacific Daily News (Guam)*
- *Primera Hora*
- *Puerto Rico Daily Sun*
- *Saipan Tribune*
- *Samoa News*
- *St. Croix Avis*
- *St. Johns Trade Winds*
- *Virgin Islands Daily News*

## **Earned and Social Media**

In addition to paid media, outreach will be conducted to attempt to provide additional notice opportunities through earned media and social media. Earned media outreach will include the following elements:

**Press Release:** A press release on PR Newswire's US1 national wire, reaching more than 5,500 print and broadcast outlets and more than 5,400 websites and online databases will be distributed. The press release will highlight the toll-free telephone number and Settlement website address so that eligible consumers can obtain complete information.

**Blog Outreach:** Outreach will be made to over 300 blog outlets that cover topics related to books, book reviews, authors, writers, etc. Blogs will be selected based on relevance, unique visits per month, and influence rank.

The Social Media elements will include:

**Promoted Stories:** The press release will be further distributed to the target audience wherever they are interacting with relevant content, including RSS feeds, websites, tablets, and mobile devices. The content is rendered appropriately regardless of the destination. Content will be hosted on Pheedo's Promoted Stories page, and will be submitted to all major search engines driving organic search benefits.

**Social Posts:** A SocialPost™ will be included as part of the press release. The SocialPost™ will utilize both general and industry specific Tweeter accounts to attract additional audiences and online searchers to the notice.

## **Other Components**

In order to help search engine users locate the informational website about this case – both those

specifically looking for it and those looking for related topics – Kinsella Media will purchase sponsored links to appear when searchers enter certain terms.

According to StatCounter.com, Google, Yahoo!, and Bing are the most frequently used search engines in the U.S.<sup>3</sup> Kinsella Media will contract with Google AdWords, Yahoo! Search Marketing, and Bing Microsoft Advertising to take advantage of people actively looking for information about the case online. Sponsored links could appear on the results page of keyword/phrase searches. Search ads are displayed along with search results when someone searches using one of the keywords. Ads appear under ‘Sponsored links’ in the side column of a search page, and may also appear in additional positions above the free search results.

### **Postcard Notice**

In the event that any of the retailers are unable to send email notice and to the extent that mailing addresses can be timely obtained, postcard notices with substantially similar information have been prepared to send via U.S. mail. In addition, if any retailer provides its mailing list to Rust to send email notice, any recipients whose email is undeliverable will receive a mailed postcard.

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<sup>3</sup> StatCounter, Global Stats, *Top 5 Search Engines in the U.S.*, available at [gs.statcounter.com/#search\\_engine-US-monthly-200904-201005](http://gs.statcounter.com/#search_engine-US-monthly-200904-201005) (last visited Oct. 19, 2011).

**EXHIBIT A**  
**To Notice Plan**  
**(Direct Notices)**

## 1. 1<sup>st</sup> Email—For Amazon Customers: General Notice of Settlements

### **Benefits from an Attorney General E-books Settlement Fund**

*Para una notificación en Español, llamar o visitar nuestro website.*

Records indicate that you are eligible for a payment from Settlements reached by the State Attorneys General with E-book publishers Hachette, HarperCollins, and Simon & Schuster. The Settlements resolve an antitrust lawsuit about the price of electronic books (“E-books”). Amazon has not been sued in this case. It is providing this notice as a service to its customers.

#### **What the Settlements Provide**

The Settlements create a \$69 million fund for payments to consumers who purchased qualifying E-books from April 1, 2010 through May 21, 2012. If the Court approves the Settlements, eligible consumers like you will receive automatic credits to your E-reader accounts. The credit can be used on any purchases of E-books or print books. The amount of your payment has been determined based on the qualifying E-book purchases identified by Amazon in your E-reader account.

#### **How to Receive your Benefit**

Because you are pre-qualified, you do not need to do anything to receive your credit. It will be applied to your account by Amazon automatically, and you will receive another email letting you know when it’s available. (If you bought E-books from more than one retailer, you may receive notices with different instructions about whether you will receive a credit or need to file a Claim Form for that retailer. You will have a separate claim for each retailer and you should follow the specific instructions from each one.)

You also have the option to receive a check instead of your credit. You can request a check by calling 1-866-621-4153, or going to the Settlement website listed below, and clicking on the Check Request Option link. Be sure to reference the Settlement ID number found at the bottom of this email. The Settlement website is:

**[www.EBookAGSettlements.com](http://www.EBookAGSettlements.com)**

#### **Your Other Rights**

You can choose to exclude yourself from the Settlements and keep your right to sue on your own. If you exclude yourself, you can’t receive any benefits from the Settlements. If you don’t exclude yourself, you can submit objections about the Settlements.

Your written Exclusion Form or objections must be postmarked by **December 12, 2012**. Please visit the Settlement website for detailed information on how to submit a valid Exclusion Form or objection.

A separate lawsuit against two other publishers and Apple, Inc. continues and is set for a trial in 2013. Your rights in the separate suit are not affected by any action you take in regards to these

Settlements.

The Court will hold a hearing on **February 8, 2013, at 10:00 a.m.** to consider whether to approve the Settlements. You or your own lawyer may ask to appear and speak at the hearing.

**For more detailed information:  
Call 1-866-621-4153 or Visit [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com)**

***Settlement ID Number:***

## 2. 2<sup>nd</sup> Email---For Amazon Customers: Credit is ready

### **Automatic Credit Is Ready For Use**

In October 2012, you received an email from us informing you that you were eligible for an automatic credit in your Amazon account. The credit results from Settlements reached with certain publishers in an antitrust lawsuit filed by the State Attorneys General about the price of electronic books (“E-books”). For more information about the Settlements, please visit [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com).

We are happy to inform you that the Court in charge of this case has approved the Settlements, and you have an automatic credit in your Amazon account. You can use your credit online to purchase print or E-books, regardless of publisher. If your account does not reflect this credit, please contact Amazon’s customer service.

This credit is valid for one year. If you have not used your credit within 90 days of the expiration of the credit, you will receive an email reminding you that it is still available.

If you have any questions about the Settlements, please visit [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com).

### 3. 3<sup>rd</sup> Email---For Amazon Customers: Reminder about Credit

#### **Automatic Credit Will Expire In 90 Days**

You have previously received emails from us informing you that you were eligible for an automatic credit in your Amazon account, and that your credit was ready for use. The credit results from Settlements reached with certain publishers in an antitrust lawsuit filed by the State Attorneys General about the price of electronic books (“E-books”). For more information about the Settlements, please visit [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com).

Our records indicate that your credit will expire in 90 days, on Month Day, Year. You can use this credit to purchase any print or E-book, regardless of publisher. You will not be able to use your credit after it expires.

If you have any questions about your credit, please contact Amazon’s customer service.

1. 1<sup>st</sup> Email—For Non-Amazon Crediting Retailer Customers [Barnes & Noble, Apple, and Kobo]: General notice of settlements

**Benefits from an Attorney General E-books Settlement Fund**

*Para una notificación en Español, llamar o visitar nuestro website.*

Records indicate that you are eligible for a payment from Settlements reached by the State Attorneys General with E-book publishers Hachette, HarperCollins, and Simon & Schuster. The Settlements resolve an antitrust lawsuit about the price of electronic books (“E-books”). [Retailer] has not been sued in this case. It is providing this notice as a service to its customers.

**What the Settlements Provide**

The Settlements create a \$69 million fund for payments to consumers who purchased qualifying E-books from April 1, 2010 through May 21, 2012. If the Court approves the Settlements, eligible consumers like you will receive credits to your E-reader accounts. The credit can be used on any purchases of E-books or print books. The amount of your payment has been determined based on the qualifying E-book purchases identified by [Retailer] in your E-reader account.

**How to Receive your Benefit**

Because you are pre-qualified, you do not need to do anything at this time to receive your credit. If the Court approves the Settlements, you will receive another email letting you know how to activate your credit. Once you activate the credit, it will be applied to your account by [Retailer]. (If you bought E-books from more than one retailer, you may receive notices with different instructions about whether you will receive a credit or need to file a Claim Form for that retailer. You will have a separate claim for each retailer and you should follow the specific instructions from each one.)

You also have the option to receive a check instead of your credit. You can request a check by calling 1-866-621-4153, or going to the Settlement website listed below, and clicking on the Check Request Option link. Be sure to reference the Settlement ID number found at the bottom of this email. The Settlement website is:

**[www.EBookAGSettlements.com](http://www.EBookAGSettlements.com)**

**Your Other Rights**

You can choose to exclude yourself from the Settlements and keep your right to sue on your own. If you exclude yourself, you can't receive any benefits from the Settlements. If you don't exclude yourself, you can submit objections about the Settlements.

Your written Exclusion Form or objections must be postmarked by **December 12, 2012**. Please visit the Settlement website for detailed information on how to submit a valid Exclusion Form or objection.

A separate lawsuit against two other publishers and Apple, Inc. continues and is set for a trial in 2013. Your rights in the separate suit are not affected by any action you take in regards to these Settlements.

The Court will hold a hearing on **February 8, 2013 at 10 a.m.** to consider whether to approve the Settlements. You or your own lawyer may ask to appear and speak at the hearing.

**For more detailed information:  
Call 1-866-621-4153 or Visit [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com)**

***Settlement ID Number:***

## 2. 2<sup>nd</sup> Email— For Non-Amazon Crediting Retailer Customers [Barnes & Noble, Apple, and Kobo]: Credit is ready to activate

### **Your Credit Is Ready To Be Activated**

In October 2012, you received an email from us informing you that you were eligible for a credit in your [Retailer] account. The credit results from Settlements reached with certain publishers in an antitrust lawsuit filed by the State Attorneys General about the price of electronic books (“E-books”). If you did not receive that email, you can read that email and more about the Settlements at [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com).

We are happy to inform you that the Court in charge of this case has approved the Settlements, and an account credit is ready for you to activate by [PROVIDE RETAILER-SPECIFIC INSTRUCTIONS] Once you have activated your account credit, you can use it to purchase print or E-books, regardless of publisher. If your account does not reflect this credit, please contact [Retailer]’s customer service.

This credit will be available for activation for one year. If you have not activated your credit within 90 days of the expiration of the credit, you will receive an email reminding you that it is still available to activate.

If you have any questions about the Settlements, please visit [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com).

[For applicable Crediting Retailers, include “**CLICK HERE TO ACTIVATE YOUR CREDIT**” Button]

3. 3<sup>rd</sup> Email— For Non-Amazon Crediting Retailer Customers [Barnes & Noble, Apple, and Kobo]: Reminder to activate credit

**Your Credit Will Expire In 90 Days**

You have previously received emails from us informing you that you were eligible for a credit in your [Retailer] account, and that your credit was ready to be activated. The credit results from Settlements reached with certain publishers in an antitrust lawsuit filed by the State Attorneys General about the price of electronic books (“E-books”). For more information about the Settlements, please visit [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com).

Our records indicate that your credit will expire in 90 days, on Month Day, Year if you do not activate it by that date. You can activate this credit [PROVIDE RETAILER-SPECIFIC INSTRUCTIONS] Once you have activated your account credit, you can use it to purchase any print or E-book, regardless of publisher. You will not be able to use your credit after it expires.

If you have any questions about your credit, please contact [Retailer]’s customer service.

[For applicable Crediting Retailers, include “**CLICK HERE TO ACTIVATE YOUR CREDIT**” Button]

## 1. 1<sup>st</sup> Postcard— For Apple Customers: General postcard about the Settlements

### **Benefits From an Attorney General E-books Settlement Fund**

Records indicate that you are eligible for a payment from three Settlements reached by the State Attorneys General with E-book publishers Hachette, HarperCollins, and Simon & Schuster. The Settlements resolve an antitrust lawsuit about the price of electronic books (“E-books”). Apple has not been sued in this case. It is providing this notice as a service to its customers.

### **What the Settlements Provide**

The Settlements create a \$69 million fund for payments to consumers who purchased qualifying E-books from April 1, 2010 through May 21, 2012. If the Court approves the Settlements, eligible consumers like you will receive credits to your E-reader accounts. The credit can be used on any purchases of E-books or print books. The amount of your payment has been determined based on the qualifying E-book purchases identified by Apple in your E-reader account.

### **How to Receive Your Benefit**

You are receiving this postcard because an email notice to the email address you have on file with Apple was undeliverable. Please verify that your Apple account includes a valid email address. If the Court approves the Settlements, you will receive another postcard letting you know when the credit is available to activate. Once you have activated the credit, it will be applied to your account by Apple. You will need a valid email address on your Apple account to activate your credit.

If you bought E-books from more than one retailer, you may receive notices with different instructions for each retailer.

You also have the option to receive a check instead of your credit. You can request a check by calling 1-866-621-4153, or visiting [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com) and clicking on the Check Request Option link. Be sure to reference the ID number found at the bottom of this postcard.

### **Your Other Rights**

You can choose to exclude yourself from the Settlements and keep your right to sue on your own. If you exclude yourself, you can't receive any benefits from the Settlements. If you don't exclude yourself, you can submit objections about the Settlements.

Your written Exclusion Form or objections must be postmarked by **December 12, 2012**. Please visit the Settlement website for detailed information on how to submit a valid Exclusion Form or objection.

The Court will hold a hearing on **February 8, 2013 at 10 a.m.** to consider whether to approve the Settlements. You or your own lawyer may ask to appear and speak at the hearing.

**This notice is only a summary. For detailed information:  
Call 1-866-621-4153 or Visit [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com)**

***Settlement ID Number:***

## 2. 2<sup>nd</sup> Postcard— For Apple Customers: Credit is ready to activate

### **Your Credit Is Ready For Use**

In Month Year, you received a postcard from us informing you that you were eligible for a credit in your Apple account. The credit results from Settlements reached with certain publishers in an antitrust lawsuit filed by the State Attorneys General about the price of electronic books (“E-books”). If you did not receive that postcard, please visit [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com) for more information about the Settlements.

We are happy to inform you that the Court in charge of this case has approved the Settlements, and your credit is ready to be activated by you [PROVIDE RETAILER-SPECIFIC INSTRUCTIONS]. You can use your credit online to purchase print or E-books, regardless of publisher. If your account does not reflect this credit, contact Apple’s customer service.

This credit will be available for activation for one year. If you have not activated your credit within 90 days of the expiration of the credit, you will receive a postcard reminding you that it is still available to activate.

If you have any questions about the Settlements, please visit the Settlement Website at [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com).

### 3. 3<sup>rd</sup> Postcard— For Apple Customers: Reminder to activate credit

#### **Your Credit Will Expire In 90 Days**

You have previously received postcards from us informing you that you were eligible for a credit in your [Retailer] account and that your credit was ready for you to activate. The credit results from Settlements reached with certain publishers in an antitrust lawsuit filed by the State Attorneys General about the price of electronic books (“E-books”). For more information about the Settlements, please visit the Settlement Website at [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com).

Our records indicate that your credit will expire in 90 days, on Month Day, Year, if you do not activate the credit by that date. You can activate your credit by [PROVIDE RETAILER-SPECIFIC INSTRUCTIONS]. You can use this credit to purchase any print or E-book, regardless of publisher. You will not be able to activate your credit after it expires.

If you have any questions about your credit, please contact Apple’s customer service.

## 1. 1<sup>st</sup> Email— for Google and Sony Customers: General notice about Settlements

### **Benefits from an Attorney General E-books Settlement Fund**

*Para una notificación en Español, llamar o visitar nuestro website.*

Records indicate that you are eligible for a payment from Settlements reached by the State Attorneys General with E-book publishers Hachette, HarperCollins and Simon & Schuster. The Settlements resolve an antitrust lawsuit about the price of electronic books (“E-books”). [Google or Sony] has not been sued in this case. [Sony: It has provided information to the Claims Administrator to send this notice as a service to its customers.] [Google: It is providing this notice as a service to its customers.]

#### **What the Settlements Provide**

The Settlements create a \$69 million fund for payments to consumers who purchased qualifying E-books from April 1, 2010 through May 21, 2012. If the Court approves the Settlements, eligible consumers like you will receive payments. The amount of your payment has been determined based on the qualifying E-book purchases identified by [Google or Sony] in your E-reader account.

#### **How to Receive your Benefit**

In order to receive a payment from the Settlements, you will need to submit a Claim Form with your name, address, and the Settlement ID Number below. You can file a Claim Form either online or by mail. Further information on how to file a Claim Form is available at the Settlement Website, [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com). Claim Forms must be filed online or postmarked by **December 12, 2012**. To complete your Claim Form, you will need only your name, address, and unique Settlement ID number listed at the bottom of this email. (If you bought E-books from more than one retailer, you may receive notices with different instructions about whether you will receive a credit or need to file a Claim Form for that retailer. You will have a separate claim for each retailer and you should follow the specific instructions from each one.)

#### **Your Other Rights**

You can choose to exclude yourself from the Settlements and keep your right to sue on your own. If you exclude yourself, you can't receive any benefits from the Settlements. If you don't exclude yourself, you can submit objections about the Settlements.

Your written Exclusion Form or objections must be postmarked by **December 12, 2012**. Please visit the Settlement website for detailed information on how to submit a valid Exclusion Form or objection.

The Court will hold a hearing on **February 8, 2013 at 10 a.m.** to consider whether to approve

the Settlements. You or your own lawyer may ask to appear and speak at the hearing.

**For more detailed information:  
Call 1-866-621-4153 or Visit [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com)**

***Settlement ID Number:***

2. 2<sup>nd</sup> Email—For Google or Sony Customers receiving a check: Check is ready

### **Your Check Is Ready To Be Mailed**

On Month Day, Year, you received an email from us informing you that you were eligible for a check as a result of Settlements reached with certain publishers in an antitrust lawsuit filed by the State Attorneys General about the price of electronic books (“E-books”). For more information about the Settlements, visit [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com).

We are happy to inform you that the Court in charge of this case has approved the Settlements, and you will receive a check in the next 30 days.

If you have any questions, please visit [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com), call 1-866-621-4153, or email [info@EBookAGSettlements.com](mailto:info@EBookAGSettlements.com).

3. 3<sup>rd</sup> Email—For Google or Sony Customers receiving a check: Reminder to cash check

### **Check Must Be Cashed In 90 Days**

You have previously received emails from us informing you that you would be issued a check. The check results from Settlements reached with certain publishers in an antitrust lawsuit filed by the State Attorneys General about the price of electronic books (“E-books”). For more information about the Settlements, please visit [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com).

This email is to remind you that the check must be cashed by Month Day, Year. If you have not cashed your check, please do so as soon as possible.

If you have not received your check, please call 1-866-621-4153 immediately.

If you have any questions about your check, please call 1-866-621-4153 or visit the Settlement Website.

#### 4. 1<sup>st</sup> Postcard—For Sony Customers only: General postcard about the Settlements

### **Benefits from an Attorney General E-books Settlement Fund**

*Para una notificación en Español, llamar o visitar nuestro website.*

Records indicate that you are eligible for a payment from Settlements reached by the State Attorneys General with E-book publishers Hachette, HarperCollins, and Simon & Schuster. The Settlements resolve an antitrust lawsuit about the price of electronic books (“E-books”). Sony has not been sued in this case. It is providing this notice as a service to its customers.

#### **What the Settlements Provide**

The Settlements create a \$69 million fund for payments to consumers who purchased qualifying E-books from April 1, 2010 through May 21, 2012. If the Court approves the Settlements, eligible consumers like you will receive automatic checks. The amount of your payment has been determined based on the qualifying E-book purchases identified by Sony in your E-reader account.

#### **How to Receive your Benefit**

In order to receive a payment from the Settlements, you will need to submit a Claim Form. You can file a Claim Form either online or by mail. Further information on how to file a Claim Form is available at the Settlement Website, [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com). Claim Forms must be filed online or postmarked by Month Day, Year. To complete your Claim Form, you will need your unique Settlement ID number listed at the bottom of this postcard. (If you bought E-books from more than one retailer, you may receive notices with different instructions about whether you will receive a credit or need to file a Claim Form for that retailer. You will have a separate claim for each retailer and you should follow the specific instructions from each one.)

#### **Your Other Rights**

You can choose to exclude yourself from the Settlements and keep your right to sue on your own. If you exclude yourself, you can't receive any benefits from the Settlements. If you don't exclude yourself, you can submit objections about the Settlements.

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**Call 1-866-621-4153 or Visit [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com)**

***Settlement ID Number:***

5. 2<sup>nd</sup> Postcard— For Sony Customers only: Check is ready to be mailed

**Your Check Is Ready To Be Mailed**

In October 2012, you received a postcard from us informing you that you were eligible for a check as a result of Settlements reached with certain publishers in an antitrust lawsuit filed by the State Attorneys General about the price of electronic books (“E-books”). If you did not receive that postcard please call 1-866-621-4153.

We are happy to inform you that the Court in charge of this case has approved the Settlements, and within the next 30 days you will receive a check.

If you have not received your check in 30 days, please call 1-866-621-4153 or email [info@EbooksAGSettlements.com](mailto:info@EbooksAGSettlements.com).

Your check is valid for one year from the date of distribution. You will receive a postcard within 90 days of the expiration of the check, reminding you to cash the check.

If you have any questions about the check, please visit the Settlement Website at [www.EBooksAGSettlements.com](http://www.EBooksAGSettlements.com).

6. 3<sup>rd</sup> Postcard— For Sony Customers only: Reminder to cash check

**Check Must Be Cashed In 90 Days**

You have previously received postcards from us informing you that you would be issued a check. The check results from Settlements reached with certain publishers in an antitrust lawsuit filed by the State Attorneys General about the price of electronic books (“E-books”). For more information about the Settlements, please visit the Settlement Website, [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com).

This postcard is to remind you that the check must be cashed by Month Day, Year. If you have not cashed your check, please do so as soon as possible.

If you have not received your check, please call 1-866-621-4153 immediately.

If you have any questions about your check, please call 1-866-621-4153 or visit the Settlement Website.

**EXHIBIT B**  
**To Notice Plan**  
**(Long Form Notice)**

## **If You Bought an E-book You Could Get a Payment from a \$69 Million Settlement Fund**

- Three Settlements have been reached with certain publishers in an antitrust lawsuit filed by State Attorneys General about the price of electronic books (“E-books”).
- The lawsuit claims there was a conspiracy involving three of the nation’s top publishers and others to fix and raise retail prices of E-books. These three publishers have agreed to settle the lawsuit. A separate lawsuit with similar claims continues against two other publishers and Apple, Inc.
- If you purchased one or more E-books from April 1, 2010 through May 21, 2012 that were published by any of the five Publishers listed in Question 2 below, you may be eligible for a partial refund of the purchase price.
- The Settling Publishers deny they did anything wrong, but have agreed to settle to avoid the cost and risk of a trial.
- Your legal rights are affected whether you act or don’t act. Read this notice carefully.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THESE SETTLEMENTS</b>	
<b>GET A PAYMENT</b>	Depending on the retailer through which you bought your E-book(s), you may be eligible to directly receive an account credit or a check or you may need to file a claim to receive a check. ( <i>See</i> Question 12.)
<b>OBJECT</b>	Write to the Court if you do not like one or more of the Settlements. ( <i>See</i> Question 17.)
<b>GO TO THE HEARING</b>	Ask to speak in Court about your opinions. ( <i>See</i> Question 21.)
<b>EXCLUDE YOURSELF</b>	Exclude yourself from one or more of the Settlements. Get no benefit from any Settlement from which you exclude yourself. ( <i>See</i> Question 14.)
<b>DO NOTHING</b>	Depending on the retailer through which you bought your E-book(s), you will get a credit or check, or you will get no payment. ( <i>See</i> Question 22.)

- These rights and options – **and the deadlines to exercise them** – are explained in this notice.
- The Court in charge of this case has preliminarily approved the Settlements but still has to decide whether to finally approve the Settlements. Benefits will be provided if the Court approves the Settlements. Please be patient.

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## BASIC INFORMATION

### 1. What is this lawsuit about?

The antitrust lawsuit was filed by Attorneys General of 49 states, the District of Columbia and five U.S. territories and commonwealths, and claims there was a conspiracy involving three of the nation's top publishers and others to fix and raise retail prices of E-books.

These three Publishers ("Settling Publishers") have agreed to settle the lawsuit. The Settling Publishers deny they have done anything wrong but have agreed to settle to avoid the cost and risk of trial. The case is in the U.S. District Court for the Southern District of New York. It is called *Texas, et al. v. Hachette Book Group, et al.*, Case No.12-cv-6625. ("Et alia." is a Latin phrase that means "and others.") This Court has preliminarily approved the proposed Settlements and will consider whether to grant final approval on February 8, 2013. (See Question 19.)

A separate case continues against two additional Publishers ("Non-Settling Publishers") and Apple, Inc. This separate case is called *Texas, et al. v. Penguin Group, (USA) Inc., et al.*, Case No. 12-cv-03394, and is scheduled to go to trial in 2013, in the U.S. District Court for the Southern District of New York.

### 2. Who are the Publishers?

There are five publishers who, as a group, are referred to in this Notice as "Publishers".

The Settling Publishers are the following publishers:

- Hachette Book Group, Inc. ("Hachette");
- HarperCollins Publishers LLC ("HarperCollins"); and
- Simon & Schuster, Inc. and Simon & Schuster Digital Sales, Inc. ("Simon & Schuster").

The Non-Settling Publishers are the following publishers:

- Penguin Group (USA) Inc. ("Penguin"); and
- Holtzbrinck Publishers, LLC, known as Macmillan ("Macmillan").

### 3. Why are there Settlements?

The Court has not decided in favor of either side. The Attorneys General who brought the antitrust lawsuit think the Settlements are best for everyone who is affected. The Settling Publishers deny that they did anything wrong but have agreed to Settlements to avoid the time, expense, and uncertainty associated with continuing the case.

## WHO IS INCLUDED IN THE SETTLEMENTS?

### 4. How do I know if I am part of the Settlements?

You are included in the Settlements if:

1. You purchased an E-book that was published by one of the Publishers (all of the Publishers publish books under many different names, called imprints, *See* Question 6), **and**
2. Your purchase was made from April 1, 2010 through May 21, 2012, **and**
3. You were a resident of 1) a state other than Minnesota, 2) the District of Columbia, or 3) one of the five U.S. Territories and Commonwealths at the time of purchase. The billing address of the credit card you used to buy the included E-book(s) will be used to determine your residency.

Certain people or entities are not included in the Settlements, as follows:

1. Residents of Minnesota are not eligible to recover anything under the Settlements because the Minnesota Attorney General chose not to participate.
2. Residents of countries other than the United States and its territories and commonwealths are not included in the Settlements.
3. Only individuals are included. Business, governments, libraries, non-profits, and other entities are not included.
4. Rental E-books, free E-books, and E-books received as gifts are not included. (Only purchasers are included in the Settlements. If you received an E-book as a gift, you are not included. The person who purchased it for you may be included.)

### 5. What is an E-book?

In these Settlements, an E-book is an electronically formatted book designed to be read on a computer, a handheld device (including an e-reader or tablet), or other electronic device capable of visually displaying books. In these Settlements, an E-book is not an audio book.

### 6. What is an imprint?

Many of the Publishers have imprints or divisions within their companies that publish E-books that are included in the Settlements. For example, Simon & Schuster has the imprint Wall Street Journal Books. So, if you purchased one or more E-books from April 1, 2010 through May 21, 2012 that were published by any of the Publishers (including their divisions), you may be eligible for a payment or account credit. For a full list of all Publishers and their imprints, and instructions on how to determine which E-books you have purchased and which company published a particular E-book, please visit [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com).

### 7. How can I tell if my E-book purchases are included in the Settlements?

If you received a notice by email or postcard, you purchased at least one qualifying E-book and are included in the Settlements. Your purchases are based on the records of the retailer(s) through which you bought your E-book(s). (*See* Question 12 for how to get a payment.)

If you did not receive a notice, but think you may be included, you can research your purchases and the

publishers of those E-books to determine whether you should file a Claim Form. More information on how to do so is available at [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com).

#### **8. What if I'm still not sure the Settlements include my E-book purchase(s)?**

If you are still unsure if the Settlements include your E-book purchase(s), please visit [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com), email [info@EBookAGSettlements.com](mailto:info@EBookAGSettlements.com), or call 1-866-621-4153.

#### **9. Why are the Attorneys General involved?**

The Attorneys General of 49 states, the District of Columbia and the five U.S. territories and commonwealths filed this lawsuit. These Attorneys General made claims on behalf of their residents under federal antitrust law based on their authority to bring lawsuits on behalf of their citizens.

### **THE SETTLEMENTS' BENEFITS**

#### **10. What do the Settlements provide?**

The Settling Publishers have agreed to pay \$69.04 million into a fund to pay customers who purchased E-books published by any of the five Publishers. This money will be distributed if the Court approves the Settlements. The specific contributions to the Settlement Fund are as follows:

<b>PUBLISHER</b>	<b>AMOUNT</b>
Hachette	\$31.71 million
HarperCollins	\$19.58 million
Simon & Schuster	\$17.75 million

The Attorneys General worked with an expert economist who estimated that the amount of damages caused by the three Settling Publishers is approximately \$136 million. The Settlements equal \$69.04 million, which is approximately 51% of the damages estimated by the Attorney Generals' expert. The Settling Publishers believe that damages, if any, were substantially smaller than the amount calculated by the Attorneys General.

If you bought one or more E-books that are included in the Settlements, you will be eligible for a credit or check representing part of your purchase price for each qualifying E-book.

The Settlements also include agreements by the Settling Publishers to:

- End certain agreements relating to the sale of E-books that were entered into prior to April 11, 2012;
- Not place restrictions on retailers' ability to offer discounts on E-books for two years;
- Not share sensitive competitive information with each other for five years;
- Comply with antitrust laws and requirements, including the Department of Justice's Final Judgment in a federal case about the same matters at issue in this Attorneys General lawsuit;
- Train appropriate people in their companies about antitrust laws and regulations; and

- Comply with other related orders of the Court regarding antitrust issues or anticompetitive conduct.

The Settlements also pay attorney fees and expenses incurred by the Attorneys General. Funds to pay these amounts do not come out of the money that will be used to pay consumers.

A separate lawsuit against the two Non-Settling Publishers and Apple, Inc. continues and is set for trial in 2013. Your rights against the Non-Settling Publishers and Apple in the separate suit are not affected by any action you take in these Settlements. You do not need to exclude yourself from these Settlements to retain your rights against the Non-Settling Publishers and Apple in the separate suit.

### 11. How much will my payment be?

At this time, it is unknown exactly how much of the Settlement Fund a purchaser of E-books will receive. The Attorneys General have submitted a “plan of distribution,” which is a plan to divide the Settlement Fund among consumers. The Court will determine whether to approve this plan when considering final approval of the Settlements. If the Court approves the plan of distribution, it will be posted on the Settlement Website.

The amount of your credit or check will be affected by how many qualifying E-books you purchased. There will be two levels of payments, based on categories of books. While the exact amount to be paid per E-book in each category is not yet finalized, the best estimates of payments for each E-book you purchased are as follows:

- **New York Times bestsellers:** \$1.32 per E-book. These include titles that were New York Times bestsellers at any time during the claim period, irrespective of when you purchased the E-book.
- **Non-New York Times bestsellers titles:** \$0.30 per E-book. These E-books include any titles that were not *New York Times* bestsellers during the claim period.

### 12. What do I have to do to get my payment?

What you must do to get a payment depends on the retailer(s) through which you bought qualifying E-books. This chart summarizes payments and the paragraphs below explain your options in more detail:

RETAILER	TYPE OF PAYMENT	WHAT YOU NEED TO DO TO GET A PAYMENT
Amazon	Automatic credit	If you received an email notice from Amazon, you do not need to do anything to receive your credit. You will receive another email when your credit is available. You can choose to receive a check instead.
Barnes & Noble, Apple, or Kobo	Credit that will need to be activated	If you received an email or postcard notice from one of these retailers or the Claims Administrator, you do not need to do anything at this time to receive your credit. You will receive another notice about how to activate your credit. You can choose to receive a check instead.
Sony or Google	Check after filing Claim Form	If you received an email or postcard notice from one of these retailers or the Claims Administrator, you need to file a Claim Form to receive a check. However, the only information you will need to provide on the Claim Form is your name, address, and your Settlement ID number from the notice. Claim Forms must be filed online or postmarked by

		<b>December 12, 2012.</b>
All other retailers	Check after filing Claim Form	You must file a Claim Form detailing your E-book purchases. Claim Forms must be filed online or postmarked by <b>December 12, 2012.</b>

- E-book purchases through **Amazon:** You received or will receive an email notice from Amazon. You will receive a credit in your account automatically if the Court approves the Settlements. You have the option of receiving a check if you do not want to receive an automatic credit in your account.
- E-book purchases through **Barnes & Noble, Apple, or Kobo:** You received or will receive an email or postcard notice from the retailer or the Claims Administrator. If the Court approves the Settlements, you will receive another email letting you know that an account credit is available for you to activate. You have the option of receiving a check if you do not want to receive a credit in your account.
- E-book purchases through **Sony or Google:** You received or will receive an email or postcard notice from the retailer or the Claims Administrator. You must file a Claim Form, and on the Claim Form you must enter your Settlement ID number provided in the initial email or postcard in order to request a payment. **You will not have to detail your purchases on the Claim Form.** If the Court approves the Settlements, your payment amount will be calculated and a check will be mailed to you. You can complete a Claim Form online at [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com). Or, you may complete and mail a hard copy Claim Form. You may download the hard copy Claim Form at [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com) or request it by emailing [info@EBookAGSettlements.com](mailto:info@EBookAGSettlements.com) or calling 1-866-621-4153. Claim Forms must be filed online or postmarked by **December 12, 2012.**
- E-book purchases through **any other retailer not named above:** You must file a Claim Form detailing your purchases, in order to receive a check. You can complete a Claim Form online at [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com). Or, you may complete and mail a hard copy Claim Form. You may download the hard copy Claim Form at [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com) or request it by emailing [info@EBookAGSettlements.com](mailto:info@EBookAGSettlements.com) or calling 1-866-621-4153. Claim Forms must be filed online or postmarked by **December 12, 2012.**

If you bought qualifying E-books through Amazon, Barnes & Noble, Kobo, Apple, Sony, or Google, but you have not received an email or postcard informing you about the Settlements, please call 1-866-621-4153 or email [info@EBookAGSettlements.com](mailto:info@EBookAGSettlements.com).

The retailers that are providing notice or any account credit are doing so voluntarily for your convenience. No retailers have been sued in this case.

### **13. When will I get a payment?**

Payments will be distributed if the Court grants final approval to the Settlements and after any appeals are resolved. If the Court approves the Settlements after a hearing on February 8, 2013, there may be appeals. We don't know how much time it could take to resolve any appeals that may be filed.

## **EXCLUDING YOURSELF FROM THE SETTLEMENTS**

If you don't want money from one or more of the Settlements, then you must take steps to get out of the Settlement(s). This is called excluding yourself or "opting out."

#### **14. How do I exclude myself from the Settlements?**

To exclude yourself from a Settlement, you **must** complete an Exclusion Form, which is available at [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com) or by calling 1-866-621-4153. You must complete, print, sign, and mail the completed Exclusion Form, postmarked no later than Month Day, Year to the Settlement Administrator at the following address:

E-books AG Settlements Exclusions  
PO Box 2825  
Faribault, MN 55021-8630

#### **15. If I exclude myself from a Settlement, can I still get benefits from that Settlement?**

No. You will not get any benefits from a Settlement if you exclude yourself from that Settlement. You can exclude yourself from a Settlement with one Settling Publisher, however, and participate in the Settlements with the other Settling Publishers.

For each Settlement you opt out of, your Settlement Payment will be reduced by a certain percentage:

- If you opt out of the Hachette Settlement, your Settlement Payment will be reduced by 46%.
- If you opt out of the HarperCollins Settlement, your Settlement Payment will be reduced by 28%.
- If you opt out of the Simon & Schuster Settlement, your Settlement Payment will be reduced by 26%.

#### **16. If I exclude myself from a Settlement, can I sue the Settling Publishers separately?**

If you exclude yourself, you can sue the Settling Publishers about the issues related to this case. If you do not exclude yourself, you give up your right to sue the Settling Publishers about the issues related to this case.

If you exclude yourself from these Settlements you may still participate in the separate lawsuit against the Non-Settling Publishers and Apple.

### **OBJECTING TO THE SETTLEMENTS**

#### **17. How do I object?**

If you have not excluded yourself from a Settlement, you may object to any aspect of that Settlement, including the plan of distribution. To object, you must submit a letter that includes the following:

- Your name, address, and telephone number;
- A statement saying that you object to the Settlement(s) in *Texas, et al. v. Hachette Book Group, et al.*, Case No. 12-cv-6625;

- The Settling Publisher's name for each of the Settlements you are objecting to (Hachette, HarperCollins, and/or Simon& Schuster);
- The reasons you object to the Settlement(s), along with any supporting materials;
- Proof that you are an Eligible E-book Purchaser by providing a) your unique ID number found in your email or postcard notice of the Settlements, or b) names of books purchased, purchase date, and retailer; and
- Your signature.

You must submit your objection, postmarked no later than **December 12, 2012**, to these two addresses:

Clerk of Court U.S. District Court for the Southern District of New York 500 Pearl Street, New York, New York 10007-1312	E-books AG Settlements Objections, P.O. Box 2825 Faribault, MN 55021-8630
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### 18. What's the difference between objecting and excluding?

Objecting is simply telling the Court that you don't like something about the Settlement(s). You can object to a Settlement only if you do not exclude yourself from that Settlement. Excluding yourself from a Settlement is telling the Court that you don't want to be part of the Settlement. If you exclude yourself from a Settlement, you have no basis to object to the Settlement because it no longer affects you.

## THE COURT'S FINAL APPROVAL HEARING

The Court will hold a hearing to decide whether to approve the Settlements, including payments to consumers and to the states. You may attend, but you don't have to do so.

### 19. When and where will the Court decide whether to approve the Settlements?

The Court will hold a final approval hearing at 10:00 a.m. on **February 8, 2013**, at the U.S. District Court for the Southern District of New York, located at 500 Pearl Street, New York, New York. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check the website, [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com).

At this hearing the Court will consider whether each Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them at this time. After the hearing, the Court will decide whether to approve the Settlements. The Court's decision may be appealed. We do not know how long these decisions will take. Please be patient.

### 20. Do I have to come to the hearing?

No. The Attorneys General will answer questions the Court may have. But, you may come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you submitted your written objection on time, to the proper address, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary.

## 21. May I speak at the hearing?

Yes. You may appear at the hearing, either on your own, or through an attorney you hire, to present any evidence or argument that the Court decides is proper and relevant. To appear, you must file a Notice of Appearance. Your Notice of Appearance must include:

- Your name, address, and telephone number;
- A statement saying that you are filing a Notice of Appearance to speak at the Final Approval Hearing in *Texas, et al. v. Hachette Book Group, et al.*, Case No. 12-cv-6625;
- An explanation of what you want to speak about;
- An attachment with any supporting documentation; and
- Your signature.

You must mail your Notice of Appearance, postmarked no later than **December 12, 2012**, to these two addresses:

Clerk of Court U.S. District Court for the Southern District of New York 500 Pearl Street, New York, New York 10007-1312	E-books AG Settlements PO Box 2825 Faribault, MN 55021-8630
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## IF YOU DO NOTHING

## 22. What happens if I do nothing at all?

What happens if you do nothing depends on the retailer(s) through which you bought E-books.

- If you bought qualifying E-books through **Amazon**: You will receive a credit in your account automatically if the Court approves the Settlements. (*See* Question 12.)
- If you bought qualifying E-books through **Barnes & Noble, Apple, or Kobo**: You will receive notice that a credit to your account is ready to be activated if the Court approves the Settlements. (*See* Question 12.)
- If you bought qualifying E-books through **any other retailer not listed above**: You will not receive any benefits from the Settlements unless you file a Claim Form. (*See* Question 12.)

## ADDITIONAL INFORMATION

## 23. How do I get more information?

The notice summarizes the proposed Settlements. More details are in the Settlement Agreements. You can get a copy of the Settlement Agreements at [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com). You may also write with questions to E-books AG Settlements Administrator, P.O. Box 2825, Faribault, MN 55021 or call 1-866-621-4153.

**EXHIBIT C  
to Notice Plan**

**(Web Banner Ad)**

# **If You Bought an E-Book**

***You May Be Eligible  
for a Payment  
From a \$69 Million  
Settlement Fund***

**EXHIBIT D**  
**to Notice Plan**

**(Publication Notice)**

## **If You Bought an E-book You Could Get a Payment from a \$69 Million Settlement Fund**

Three Settlements have been reached with certain publishers in an antitrust lawsuit filed by State Attorneys General about the prices of electronic books (“E-books”). The lawsuit claims there was a conspiracy involving three of the nation’s top publishers and others to fix and raise retail prices of E-books. These publishers have agreed to settle the lawsuit (“Settling Publishers”) but deny they did anything wrong. A separate lawsuit with similar claims continues against two other Publishers and Apple, Inc.

### **Who is Included in the Settlements?**

You are included in the Settlements if:

1. You purchased an E-book that was published by Hachette, HarperCollins, Simon & Schuster, Penguin, or Macmillan (as well as all other names under which these publishers also publish E-books), **and**
2. The purchase was made from April 1, 2010 through May 21, 2012, **and**
3. You were a resident of 1) a state other than Minnesota, 2) the District of Columbia, or 3) one of the five U.S. Territories and Commonwealths at the time of purchase.

If you would like to review a full list of the publishers included, please visit [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com).

### **What Do the Settlements Provide?**

The Settling Publishers will contribute \$69.04 million into a Settlement Fund that will be distributed if the Court approves the Settlements. The Settlements also include agreements by the Settling Publishers to comply with antitrust laws, and certain orders of the Court and the U.S. Department of Justice.

If you purchased one or more qualifying E-books, depending on the retailer through which you purchased your E-books, you are eligible to:

- Receive an credit into your E-book retailer account, unless you ask for a check, or
- File a Claim Form to receive a check.

The Court must still approve the Attorneys’ General plan to distribute the Settlement Fund.

There will be two levels of payments, based on categories of books. While the exact amount to be paid per E-book in both categories is not yet finalized, the best estimates of payments for each E-book you purchased are as follows:

- ***New York Times* bestsellers:** \$1.32 per E-book. These include titles that were *New York Times* bestsellers at any time during the relevant period; and
- **Non-*New York Times* bestseller titles:** \$0.30 per E-book. These include any titles that were not *New York Times* bestsellers during the relevant period, irrespective of when you purchased the E-book.

### **How to Get Benefits?**

If you have received notice by email or postcard about the Settlements, the email or postcard contains instructions about whether you need to do anything to activate your credit or file a Claim Form to receive a check. If you have not received notice, you should call 1-866-621-4153 or visit [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com) to learn more about the Settlements and decide whether to file a Claim Form. Claim Forms must be filed online or postmarked by **December 12, 2012**.

### **Your Other Rights**

You can choose to exclude yourself from the Settlements. The exclusion must be in writing and postmarked by **December 12, 2012**. If you exclude yourself, you will not receive a credit or check. If you do not exclude yourself from a Settlement, you will not be able to sue the Settling Publishers for any claims at issue in this case. If you stay in a Settlement, you may object to it in writing, postmarked by **December 12, 2012**. The Detailed Notice explains how to exclude yourself or object, and an Exclusion Form is available online or by mail. The Court will hold a hearing on **February 8, 2013 at 10 a.m.** to consider whether to approve the Settlements. You or your own lawyer may ask to appear and speak at the hearing.

**This notice is only a summary. For detailed information:  
Call 1-866-621-4153 or Visit [www.EBookAGSettlements.com](http://www.EBookAGSettlements.com)**