

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

UNITED STATES OF AMERICA,

*Plaintiff-Appellant,*

v.

No. 18-5214

AT&T INC.; DIRECTV GROUP  
HOLDINGS, LLC; and  
TIME WARNER INC.,

*Defendants-Appellees.*

**STATEMENT OF THE UNITED STATES  
OF THE ISSUE TO BE RAISED ON APPEAL**

In this case, the United States brought suit to enforce Section 7 of the Clayton Act, 15 U.S.C. § 18. The appeal arises from the district court's June 12, 2018 order entering judgment against the United States, and the court's accompanying memorandum opinion.

The question presented is whether the district court's fundamental errors of economic logic and reasoning rendered clearly erroneous its conclusion that the government failed to show AT&T's acquisition of Time Warner was reasonably likely to lessen competition

substantially by increasing Time Warner's bargaining leverage in negotiations with AT&T's rival distributors, thereby raising their programming costs.

Respectfully submitted.

/s/ Mary Helen Wimberly  
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**CERTIFICATE OF SERVICE**

I certify that on August 6, 2018, I caused the foregoing to be filed through this Court's CM/ECF system, which will serve a notice of electronic filing on all registered users, including counsel for Defendants-Appellees.

/s/ Mary Helen Wimberly  
*Counsel for the United States*