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Sent: Monday, June 25, 2012 10:39 AM
To: Read, John
Subject: DOJ Proposed Settlement with Publishers and Apple over
Attachment: fw.csv

I am writing in regards to the DOJ Price Fixing case with the publishers and Apple. I used to buy a large number of discounted books from the publishers in the lawsuit from Fictionwise, a subsidiary of Barnes and Noble. Then, as now, they had a loyalty program with sales that either discounted the books directly, or, in the case of books from these publishers, gave immediate store credit rebate. I have attached a comma separated value file that shows some examples from that period. These examples are not cherry-picked, they are most of the credit card purchases and some of the purchases paid for with rebates I made during 2008 and 2009. Obviously, because of the agency pricing, Fictionwise discontinued the store credit rebate program, and actually stopped selling books from the agency publishers altogether.

I would like to point out that some of the Fictionwise rebates were greater than the purchase price of the book, that is not sustainable, although this probably in part supported by the \$20/year fee for the Fictionwise loyalty program.

I would also like to point out that most of the books that were not sold while there was only a hardcover print edition actually had price increases, and with the rebates, even new books purchase when there was only hardcover print editions were discounted to a price comparable to current (2012) prices.

I think it's important that Amazon is not our only ebook retailer. However, I think that the current agency pricing prevents sales and loyalty programs that could strengthen customer ties to non-Amazon retailers, and in general has increased prices for the ebook customer.