



PRESS RELEASE

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FOR IMMEDIATE RELEASE

July 2, 2015

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UNITED STATES COURT OF APPEALS AFFIRMS APPLE EBOOK PRICE FIXING CONSPIRACY VIOLATES ANTITRUST LAWS, HURTS CONSUMERS

DENVER—The U.S. Court of Appeals for the Second Circuit rejected Apple Inc.’s challenge to the ruling in *State of Texas, et al. v. Penguin Group (USA) Inc., et al.* The appellate court affirmed the lower court’s finding that Apple conspired with several publishers to set prices on eBooks, an agreement that raised prices for consumers.

“When companies collude to fix prices on consumer goods they undermine the benefits of a free market. The court agreed with us that Apple illegally manipulated the eBook marketplace to the detriment of its customers,” said Colorado Attorney General Cynthia H. Coffman. “My office will continue to protect Coloradans from anticompetitive practices whether they are perpetrated by small companies or industry giants.”

Second Circuit Judge Debra Ann Livingston found that “Apple orchestrated a conspiracy among the publishers to raise eBook prices, that the conspiracy unreasonably restrained trade in violation of § 1 of the Sherman Act, and that the injunction is properly calibrated to protect the public from future anticompetitive harms.”

Colorado was one of the original states to pursue antitrust allegations against Apple and the publishers as a part of a multistate team. The U.S. Department of Justice’s Antitrust Division filed a related lawsuit. Settlement agreements with the publishers named in the suit were reached in 2012 and 2013, and resulted in \$166 million in consumer restitution.

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