

Legal Update from Flagler Law Group



Our Mission is to serve the legal needs of Christian publishing organizations by leveraging focused expertise into practical solutions.

Brian Flagler founded Flagler Law Group in the spring of 2006 to serve the legal needs of publishers, designers, producers, and distributors of Christian media. With a combined 20+ years in the industry, we know Christian publishing. We believe that our experience handling matters for a diverse variety of Christian publishers, ministries, and other organizations **from the publishing perspective** significantly contributes to the value that we offer our clients.

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Apple Loses Appeal, E-book Decision is Affirmed

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The following article from [Publishers Weekly](#) summarizes well the latest court decision regarding Apple and e-book price fixing.

[Publishers Weekly, June 30, 2015](#) -- In a major decision, the Second Circuit Court of Appeals, by a 2-1 margin, has affirmed Judge Denise Cote's 2013 finding that Apple orchestrated a scheme to fix e-book prices.

"We conclude that the district court correctly decided that Apple orchestrated a conspiracy among the publishers to raise e-book prices, that the conspiracy unreasonably restrained trade in violation of the Sherman Act, and that the injunction is properly calibrated to protect the public from future anti-competitive harms," wrote Debra Ann Livingston, for the court. "Accordingly, the judgment of the district court is affirmed." Judge Dennis Jacobs, who made headlines with his tough questions at oral arguments, dissented.

In addition, the court also upheld Cote's final injunction, rejecting an appeal by Macmillan and Simon & Schuster which argued that the final order illegally amended their consent decrees.

Upon first read, the decision appears to be a thorough endorsement of Cote's verdict, which the Appeals Court says is "amply supported and well-reasoned."

[Publishers Weekly article continued](#)