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Via ECF

October 3, 2019

Hon. Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, NY 10007

Re: *Chronicle Books et. al. v. Audible, Inc.*, 19 Civ. 7913 (VEC)

Dear Judge Caproni:

We represent Defendant Audible in the above-named matter. We write to supplement our letter of September 27, 2019, in response to the Court's questions during oral argument on September 25, 2019.

We have spoken with our client and with Plaintiffs' counsel regarding the questions posed by the Court, but unfortunately we have not, as yet, been able to reach agreement on a proposed path forward. Thus, Audible proposes the following approach: Audible will agree to adhere to its current standstill, with both pending motions held in abeyance, in order to allow the parties to participate in settlement discussions before Magistrate Judge Sarah Netburn for the next 30 days (and we ask the Court to refer the matter to her for that purpose). Should those discussions prove unsuccessful, we would then ask the Court to decide the pending motions and, if the case survives the motion to dismiss, set a discovery and trial schedule in the ordinary course.

We thank the Court for its consideration of this matter.

Respectfully,

A handwritten signature in blue ink that reads "Emily Reisbaum (by reg.)".

Emily Reisbaum