



U.S. Department of Justice

Antitrust Division

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May 17, 2021

BY ELECTRONIC FILING

Lyle W. Cayce, Clerk of Court
United States Court of Appeals
Fifth Circuit
Office of the Clerk
F. Edward Hebert Building
600 S. Maestri Place
New Orleans, LA 70130-3408

Re: *Continental Automotive Systems, Inc. v. Avanci, LLC*, No. 20-11032

Dear Mr. Cayce:

While this case was pending in the district court, the Antitrust Division submitted a Statement of Interest under [28 U.S.C. § 517](#). See *Continental v. Avanci, et al.*, No. 3:19-cv-02933 (N.D. Tex. Feb. 27, 2020), Doc. 278. Appellees' answering brief repeatedly cites this Statement of Interest. See Appellee Br. 47, 51, 53, 55, 58.

The United States, however, did not file an amicus brief before this Court expressing its current views of the antitrust issues raised by this case. If it would be helpful, the Court could request that the government submit an amicus brief in this appeal, and give the parties an opportunity to respond. Cf. *Mountain Crest SRL, LLC v. Anheuser-Busch InBev SA/NV*, [937 F.3d 1067, 1079](#) n.62 (7th Cir. 2019) (noting that the court had "invited the United States to submit an amicus brief" and allowed the parties to submit supplemental briefs in response). Of course, the filing of such an amicus brief would be subject to the approval of the Solicitor General.

Sincerely,

/s/ Andrew N. DeLaney

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