



February 22, 2008

Ms. Nina Hale  
Antitrust Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Dear Ms. Hale:

Last December, it was announced that DG FastChannel plans to acquire Vyvx, its major competitor in the digital advertising delivery business. This issue has been discussed with a number of members of our three Associations. Together, our three Associations represent virtually every segment of the advertising industry. Serious concerns have been expressed that this transaction could have an anti-competitive impact on the digital distribution of television commercials to television stations and cable outlets.

It is our understanding that after the sale of Vyvx, DG FastChannel would be the only company offering a digital platform to electronically deliver commercials to the media. Although there are several smaller, non-digital competitors, none of them presently have the ability to transmit commercials digitally.

Commercial distribution is the final leg of the commercial production process and is the mechanism that delivers the commercials to the media outlet. The commercial distribution space consists of two types of suppliers: dub and ship companies which duplicate tapes and deliver them to media outlets; and digital distributors, companies which send digital files directly to media outlets, via the Internet or satellite distribution.

DG FastChannel provides digital commercial distribution and operates the largest network in the industry. Over the past four years, DG FastChannel has acquired virtually all of the companies in the digital distribution space and many of the major companies in the “dub and ship” space.

Our members are concerned that the acquisition of Vyvx gives DG FastChannel a virtual monopoly in this space. Ensuring the competitiveness of the commercial

delivery business is critical for all marketers and media companies. We request that your agency continue a careful and comprehensive review of the proposed acquisition of Vyvx by DG FastChannel to examine potential anticompetitive impacts from that transaction.

Thank you for your consideration.

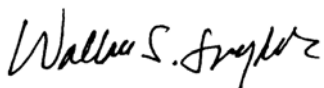
Sincerely,



Robert D. Liodice  
President and Chief Executive Officer  
Association of National Advertisers  
708 Third Avenue, 33<sup>rd</sup> Floor  
New York, New York 10017  
(212) 697-5950



O. Burtch Drake  
President and Chief Executive Officer  
American Association of Advertising Agencies  
405 Lexington Avenue, 4<sup>th</sup> Floor  
New York, New York 10174-1801  
(212) 682-2500



Wally S. Snyder  
President and Chief Executive Officer  
American Advertising Federation  
1101 Vermont Avenue NW, Suite 500  
Washington, DC 20005  
(202) 898-0089

C: Dick O'Brien  
Jeff Perlman  
Dan Jaffe

The Association of National Advertisers (ANA) is the industry's premier trade association dedicated exclusively to marketing and brand building. We represent more than 340 companies with over 8,000 brands that collectively spend more than \$100 billion annually in marketing communications and advertising. Our members market products and services to both consumers and businesses. More information is available at [www.ana.net](http://www.ana.net)

The American Association of Advertising Agencies (AAAA), founded in 1917, is the national trade association representing the American advertising agency business. Its nearly 500 members, comprised of large multi-national agencies and hundreds of small and mid-sized agencies, maintain 2,000 offices throughout the country. Together, AAAA member advertising agencies account for nearly 80 percent of all national, regional and local advertising placed by agencies in newspapers, magazines, radio and television in the United States. AAAA is dedicated to the preservation of a robust free market in the communication of commercial and noncommercial ideas. More information is available at [www.aaaa.org](http://www.aaaa.org)

As the “Unifying Voice for Advertising,” the American Advertising Federation (AAF), headquartered in Washington, D.C., with a Western Region office in Newport Beach, California, is the trade association that represents 50,000 professionals in the advertising industry. AAF’s 130 corporate members are advertisers, agencies and media companies that comprise the nation’s leading brands and corporations. AAF has a national network of 210 ad clubs and connects the industry with an academic base through its 210 college chapters. More information is available at [www.aaf.org](http://www.aaf.org)