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 13 APPLE INC.

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 15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**
 17 **OAKLAND DIVISION**

18 APPLE INC., a California corporation,
 19
 20 Plaintiff,
 21
 22 v.
 23
 24 AMAZON.COM, INC., a Delaware
 25 corporation, and AMAZON DIGITAL
 26 SERVICES, INC., a Delaware corporation,
 27
 28 Defendants.

Case No. CV 11-01327 PJH

**DECLARATION OF JOHN WRIGHT IN
 SUPPORT OF APPLE INC.'S MOTION
 FOR PRELIMINARY INJUNCTION**

1 I, John Wright, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

2 1. I am currently the Director of Core OS Platform Technologies for Apple Inc.
3 (“Apple”). I submit this declaration in support of Apple’s motion for preliminary injunction
4 against Amazon.com, Inc. (“Amazon”).

5 2. In my capacity as Director, I am responsible for low-level system software and
6 security mechanisms for iOS, Apple’s operating system software for the iPhone, iPod touch and
7 iPad devices. I have personal knowledge of the information provided within this declaration and
8 would testify under oath to that information if called as a witness.

9 3. I am aware that Amazon has recently launched its own download service under the
10 name APPSTORE and I have personally visited Amazon’s mobile software download service on
11 www.amazon.com/apps. Amazon appears to license only software for use on Android operating
12 systems.

13 4. Amazon’s site indicates that some applications available from Amazon’s service
14 will not work unless the mobile device is “rooted.” Attached hereto as Exhibit A is a true and
15 correct copy of a screenshot of Amazon’s webpage at
16 http://www.amazon.com/gp/feature.html?docId=1000626391&ref=mas_gs.

17 5. “Rooting” means that the security features in the Android operating system have
18 been bypassed and that the user has the highest level of access—known as “root” access—to the
19 mobile device. In turn, this means that applications running on such a device have the highest
20 level of access to the operating system without constraint by security features. Such high level
21 access substantially increases the damage that malware or a virus can wreak on a mobile device.
22 Apple’s APP STORE, by contrast, does not offer applications for “rooted”—or, in the parlance of
23 hackers of iOS devices, “jailbroken”—iOS-based mobile devices. Attached hereto as Exhibit B
24 are articles discussing the process of rooting an Android device and some of the problems that
25 arise as a result. [<http://www.androidcentral.com/rooting-it-me-some-qa>;
26 http://www.computerworld.com/s/article/print/9213800/Android_Security_Six_Tips_to_Protect_Your_Google_Phone?taxonomyName=Security&taxonomyId=17; <http://arstechnica.com/open-source/news/2011/03/malware-in-android-market-highlights-googles-vulnerability.ars>;


1 http://www.cnet.com/8301-19736_1-20026340-251.html?tag=mncol;3n;

2 [http://www.pcworld.com/article/184077/the_motorola_droid_gets_rooted.html\]](http://www.pcworld.com/article/184077/the_motorola_droid_gets_rooted.html)

3 6. I am aware that one commentator recently addressed Amazon’s decision to license
4 software that may require users to “root” their devices, explaining that “[g]iving you root access
5 runs the risk of giving the world root access, and that means your device could more easily be
6 hacked and/or taken over by the bad guys.” The commentator characterized Amazon’s decision
7 as “a very questionable position for a mainstream retailer to put itself in.” The article predicts
8 that “Amazon is going to have some customers that don’t understand the rooting issue, and that
9 will lead to some unhappy customers. Worse, it will also lead to some users rooting their devices
10 that simply shouldn’t be doing so, and that will lead to compromised phones – it’s only a matter
11 of time.” Attached hereto as Exhibit C is a true and correct copy of the above referenced article
12 found at [http://iphonejailbreaktools.com/4880/jailbreaking-the-back-page-some-amazon-](http://iphonejailbreaktools.com/4880/jailbreaking-the-back-page-some-amazon-appstore-apps-require-rooting-att-need-not-apply.html)
13 [appstore-apps-require-rooting-att-need-not-apply.html](http://iphonejailbreaktools.com/4880/jailbreaking-the-back-page-some-amazon-appstore-apps-require-rooting-att-need-not-apply.html).

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15 I declare under penalty of perjury of the laws of the United States that the foregoing is true
16 and correct.

17 Dated: April 11, 2011

A handwritten signature in black ink, appearing to read "John Wright", written over a horizontal line.

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19
20 John Wright
 Apple Inc.