EXHIBIT 1 TO DECLARATION OF THOMAS LA PERLE

The New York Times

Pogue's Posts

The Latest in Technology From David Pogue

JULY 17, 2008, 10:58 AM

A Candy Store for the iPhone

You're probably as sick of reading about the iPhone this week as I am of writing about it. But we're not quite done.

The App Store—oh, man, the App Store. It's a candy store, dude. It's 550 free or cheap add -on programs that make the iPhone (or the iPod Touch) do absolutely amazing things... stunts a cellphone has no right to perform.

Nothing like the App Store has ever been attempted before. Sure, there are thousands of programs for the Mac, Windows, Palm organizers, Treos, BlackBerries and Windows Mobile phones—but there's no single, centralized, utterly complete source of software for those platforms.

In the iPhone's case, the App Store is the only place you can get new programs (at least without hacking your phone).

You hear people complaining about this approach, of course, some of which are legitimate: Apple's taking a 30 percent cut of every program sold; Apple's copy-protecting every program; Apple's maintaining veto power over programs it doesn't like (or that may compete with its products and services).

But there are some enormous benefits to this setup, too. First, the whole universe of software programs is in one place. Second, Apple says that it checks every program to make sure it runs decently (more on this in a moment).

Third, the store is beautifully integrated with the iPhone itself, making it fast, simple and idiot-proof to download and install new software morsels.

I haven't been through all 550 programs yet. But I've already got some favorites.

Some are in the category I'd call Features the iPhone Doesn't Have By Itself. For example:

* **Radio.** AOL Radio, for example, is a free program that delivers over 200 Internet radio stations, organized by musical genre. No charge. (The music stops when you switch to another program, but you can't have everything.)

Or go for Pandora instead. Not only does it play free Internet radio, but you can hit Thumbs Up and Thumbs Down buttons to rate the songs you're hearing. Over time, Pandora sends you more and more of the kinds of songs you like, and fewer of the ones you don't.

- * **Voice recording.** The iPhone is a gadget with a microphone, speaker, and storage, but it can't record lectures, concerts, notes to self, and so on—at least not without the assistance of Voice Record.
- * **Drawing program.** Etch a Sketch: just what it says. Shake the iPhone to erase your drawing.
- * **Instant messaging.** Now there's an AIM program for the iPhone. A little buggy, but give it time.
- * **Video recording.** The iPhone can take still pictures, but can't capture video. Or at least not until iPhoneVideoRecorder comes along. It's currently available only as a hack, but the company says that it will be listed in the App Store shortly.

I also love programs that exploit the iPhone's features in a way that would never work on any other phone. For example:

- * **Remote.** If you use your Mac or PC as a jukebox, playing your iTunes music collection, you'll love this one. This amazing free program turns the iPhone into a Wi-Fi, wholehouse remote control. It actually displays your playlists and album art—from your computer, elsewhere in the house—and lets you play, stop, change tracks, adjust volume, and so on.
- * **Shazam.** Hold your iPhone up to a radio or TV that's playing some pop song. Marvel as Shazam identifies the song, the band, and the album, and offers a one-tap way to buy it from iTunes. (Midomi is similar, except that you can actually hum or say the lyrics of a song to have it identified.)
- * **Super MonkeyBall, Cro-Mag Rally.** A lot of iPhone games rely on the accelerometer (tilt sensor). That is, you tip and turn the whole phone to guide your monkey/race car/whatever through the course.

Finally, I just love goofy little apps like Rotary Dialer, which lets you actually dial your iPhone by sticking your finger into the onscreen holes of an old-style, rotary dial phone. Crazy Eye and Crazy Mouth kept my youngest son occupied just about forever.

Now, a lot of this stuff is sort of buggy. Some programs crash instantly (taking you back to your Home screen); some crash the whole iPhone (taking you back to the Apple logo as the thing restarts).

It's a good idea to remember that you can force-quit a locked-up program by holding down the Home button for several seconds, or force-restart the whole iPhone by holding Home and the Sleep switch simultaneously until the phone restarts.

But that's a small price to pay for the experience of watching this phone blossom into an entirely new class of machine.

Copyright 2011 The New York Times Company | Privacy Policy | NYTimes.com 620 Eighth Avenue New York, NY 10018