

1 Robert A. Mittelstaedt #060359
 Elaine Wallace #197882
 2 Tracy M. Strong #221540
 JONES DAY
 3 555 California Street, 26th Floor
 San Francisco, CA 94104
 4 Telephone: (415) 626-3939
 Facsimile: (415) 875-5700
 5 ramittelstaedt@jonesday.com
 ewallace@jonesday.com
 6 tstrong@jonesday.com

7 Attorneys for Defendant
 8 APPLE INC.

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN JOSE DIVISION

13 **THE APPLE IPOD iTUNES ANTI-
 14 TRUST LITIGATION**

Case No. C 05 00037 JW

**DECLARATION OF STEVEN LEUNG
 IN SUPPORT OF APPLE'S
 OPPOSITION TO MOTION TO
 COMPEL PRODUCTION OF
 DOCUMENTS "RELATING TO CLASS
 CERTIFICATION"**

Date: January 16, 2008
 Time: 9:30 a.m.
 Courtroom: 4, 5th Floor
 Judge: Magistrate Judge Richard Seeborg

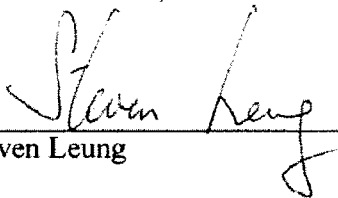
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1 I, Steven Leung, hereby declare as follows:

2 1. I have been employed with Apple Inc. (Apple) since December 5, 1999. I
3 presently hold the position of Senior Director, iTunes Finance. I submit this declaration in
4 support of Apple's Opposition to Plaintiffs' Motion to Compel Production of "Documents
5 Relating to Class Certification." I make the statements in this declaration based upon my
6 personal knowledge and corporate records maintained by Apple in the ordinary course of
7 business. If called upon to do so, I could and would testify thereto under oath.

8 2. The information redacted from the documents entitled "iTunes Music Store
9 Business P&L" includes revenues and cost data from various aspects of the business, including,
10 among other things, sales support costs, content storage and delivery costs, credit card fees,
11 royalties, personnel costs and application development costs, spanning 14 quarters over nearly
12 four years. The data underlying the P&L statement does not exist in any formal report or
13 "document." Instead, it is pulled from Apple's systems by various personnel. The older data are
14 archived. To provide the data "used in the production of" the P&L statement, it would have to be
15 re-run from the system, some of which is archived, and re-analyzed. If one person who is
16 experienced with the system worked on this effort full-time without doing any business-related
17 work for Apple, it would likely take approximately six weeks to pull the information. Because
18 this would disrupt Apple's business, a more reasonable estimate is three to four months for
19 personnel working part-time to gather the information.

20 I declare under penalty of perjury under the laws of the United States and California that
21 the foregoing is true and correct. Executed this 21st day of December, 2007.

22
23 By: 
24 Steven Leung

25 SFI-575672v2

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