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12 Attorneys for Plaintiffs

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN JOSE DIVISION

16 THE APPLE IPOD ITUNES ANTI-TRUST )  
LITIGATION, )  
17 \_\_\_\_\_ )

Case No. C 07-6507 JW

CLASS ACTION

18 This Document Relates To: )

19 *Somers v. Apple, Inc.*, Case No. C 07-6507 JW )

DECLARATION OF HELEN ZELDES IN  
SUPPORT OF REPLY MEMORANDUM IN  
SUPPORT OF MOTION FOR CLASS  
20 CERTIFICATION AND APPOINTMENT OF  
21 CLASS COUNSEL

22  
23 [REDACTED VERSION]  
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1 I, HELEN ZELDES, declare as follows:

2 1. I am an attorney duly licensed to practice before this court. I am a partner  
3 with the law firm of Zeldes & Haeggquist, LLP, one of the lead counsel for Plaintiff in this  
4 action. I have personal knowledge of the matters stated herein and, if called upon, I could  
5 and would competently testify thereto.

6 2. I make this declaration in support of Plaintiff's Reply Memorandum in  
7 Support of Motion for Class Certification and Appointment of Class Counsel.

8 3. Attached hereto are true and correct copies of the following exhibits:

9 Exhibit 1: Order re Class Certification filed August 29, 2000 (*Microsoft*  
10 *I-V Cases*, Case No. J.C.C.P. 4106)

11 Exhibit 2: Digital Music Download Agreement

12 Exhibit 3: Profile for Apple, Inc.

13 Exhibit 4: Reply Affidavit of Gary L. French, Ph.D., Regarding Class  
14 Certification

15 Exhibit 5: Excerpt from Antitrust Modernization Commission Report

16 I declare under penalty of perjury under the laws of the State of California that the  
17 foregoing is true and correct.

18 Executed this 19th day of May, 2009, at San Diego, California.

19  
20 /s/ Helen Zeldes

HELEN ZELDES

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CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2009, I electronically filed the following documents with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have caused the foregoing document or paper to be mailed via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List and Service List: DECLARATION OF HELEN ZELDES IN SUPPORT OF REPLY MEMORANDUM IN SUPPORT OF MOTION FOR CLASS CERTIFICATION AND APPOINTMENT OF CLASS COUNSEL.

/s/ Alreen Haeggquist  
ALREEN HAEGGQUIST

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