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United States District Court  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

The Apple iPod iTunes Antitrust Litigation      NO. C 05-00037 JW

**ORDER FOLLOWING CASE  
MANAGEMENT CONFERENCE**

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On June 30, 2009, the Court conducted a case management conference. Counsel for the respective parties were present. Based on the discussion at the conference, the Court orders as follows:

- (1) On **October 5, 2009 at 9 a.m.**, the parties shall appear for a hearing on Defendant’s anticipated Fed. R. Civ. P. Rule 12(c) Motion with respect to Plaintiffs’ rule of reason tying claim. Also for consideration at the October 5 hearing, Defendant shall make any motion to modify the definition of the previously certified class, in light of Defendant’s recent decision to offer iTunes products without digital rights management software. Briefing for these motions shall be conducted in accordance with the applicable Civil Local Rules.
- (2) In addition, at the October 5, 2009 hearing, the parties shall be prepared to discuss the form of class notice, along with any issues relating to the means of disseminating the notice and obtaining discovery necessary for dissemination of the notice.

1 (3) The parties may commence merits discovery.

2 The parties may Stipulate to a briefing schedule for these anticipated Motions. However, all  
3 briefing on all motions shall be completed on or before **September 14, 2009**. At the completion of  
4 the briefing, the moving party shall compile a three ring binder, to be lodged with the Court,  
5 containing (1) the motion and any supporting memorandum of law; (2) the opposition memorandum;  
6 (3) any reply memorandum; and (4) any exhibits in support or opposition to the motion, which shall  
7 be clearly labeled. These binders shall be delivered to the Court by way of the Clerk's office on or  
8 before **September 18, 2009 at 2 p.m.**

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10 Dated: June 30, 2009

  
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JAMES WARE  
United States District Judge

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1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

- 2 Adam Richard Sand [invalidaddress@invalidaddress.com](mailto:invalidaddress@invalidaddress.com)  
3 Alreen Haeggquist [alreenh@zhlaw.com](mailto:alreenh@zhlaw.com)  
4 Andrew S. Friedman [afriedman@bffb.com](mailto:afriedman@bffb.com)  
5 Bonny E. Sweeney [bonnys@csgrr.com](mailto:bonnys@csgrr.com)  
6 Brian P Murray [bmurray@murrayfrank.com](mailto:bmurray@murrayfrank.com)  
7 Caroline Nason Mitchell [cnmitchell@jonesday.com](mailto:cnmitchell@jonesday.com)  
8 Craig Ellsworth Stewart [cestewart@jonesday.com](mailto:cestewart@jonesday.com)  
9 David Craig Kiernan [dkiernan@jonesday.com](mailto:dkiernan@jonesday.com)  
10 Francis Joseph Balint [fbalint@bffb.com](mailto:fbalint@bffb.com)  
11 Helen I. Zeldes [helenz@zhlaw.com](mailto:helenz@zhlaw.com)  
12 Jacqueline Sailer [jsailer@murrayfrank.com](mailto:jsailer@murrayfrank.com)  
13 John J. Stoia [jstoia@csgrr.com](mailto:jstoia@csgrr.com)  
14 Michael D Braun [service@braunlawgroup.com](mailto:service@braunlawgroup.com)  
15 Michael D. Braun [service@braunlawgroup.com](mailto:service@braunlawgroup.com)  
16 Robert Allan Mittelstaedt [ramittelstaedt@jonesday.com](mailto:ramittelstaedt@jonesday.com)  
17 Roy A. Katriel [rak@katriellaw.com](mailto:rak@katriellaw.com)  
18 Thomas J. Kennedy [tkennedy@murrayfrank.com](mailto:tkennedy@murrayfrank.com)  
19 Thomas Robert Merrick [tmerrick@csgrr.com](mailto:tmerrick@csgrr.com)  
20 Tracy Strong [tstrong@jonesday.com](mailto:tstrong@jonesday.com)

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**Dated: June 30, 2009**

**Richard W. Wieking, Clerk**

By:           /s/ JW Chambers            
**Elizabeth Garcia**  
**Courtroom Deputy**