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10 Attorneys for Defendant
11 APPLE INC.

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

17 THE APPLE IPOD iTUNES ANTI-TRUST
18 LITIGATION.

Case No. C 05-00037 JW

19 STIPULATION AND [PROPOSED]
20 ORDER SETTING SCHEDULE FOR
21 APPLE'S RULE 12(C) MOTION
22 WITH RESPECT TO PLAINTIFFS'
23 RULE OF REASON TYING CLAIM

24 The parties propose the following schedule for briefing on defendant's anticipated Fed. R.
25 Civ. P. Rule 12(c) motion with respect to plaintiffs' rule of reason tying claim ("Rule 12(c)
26 Motion"):

- 27 1. Defendant shall file its Rule 12(c) Motion on or before August 3, 2009.
- 28 2. Plaintiffs shall file their opposition to defendant's motion on or before August 27,
2009.
3. Defendant shall file its brief in reply to plaintiffs' opposition on or before
September 14, 2009.
4. Defendant shall lodge with the Court a three ring binder containing (1) defendant's
Rule 12(c) Motion; (2) plaintiffs' opposition memorandum; (3) defendant's reply
memorandum; and (4) any exhibits in support or opposition to defendant's motion,

Stipulated and [Proposed] Order Setting 12(c)
Motion Briefing Schedule
C-05-00037-JW

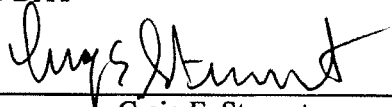
1 which shall be clearly labeled, on or before September 18, 2009 at 2:00 p.m..

2 5. The Court shall hold a hearing on defendant's Rule 12(c) Motion on October 5,
3 2009 at 9:00 a.m., or any date thereafter convenient for the Court.

4 IT IS SO STIPULATED

5 Dated: July 8, 2009

JONES DAY

6 By: 
7 Craig E. Stewart

8 Attorneys for Defendant
9 APPLE INC.

10 Dated: July 8, 2009

COUGHLIN STOIA GELLER RUDMAN &
11 ROBBINS LLP

12 By: 
13 Thomas R. Merrick

14 Co-Lead Counsel for Plaintiffs

15 * * *

16 IT IS SO ORDERED

17 Dated: July ____, 2009

18 THE HONORABLE JAMES WARE
19 UNITED STATES DISTRICT JUDGE

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23 SFI-614179v1
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