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APPLE INC.
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

12 THE APPLE IPOD iTUNES ANTI-TRUST
LITIGATION.

Case No. C 05-00037 JW

13 STIPULATION AND [Proposed]
ORDER SETTING SCHEDULE FOR
14 APPLE'S RULE 12(C) MOTION
15 WITH RESPECT TO PLAINTIFFS'
16 RULE OF REASON TYING CLAIM

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

- 21 1. Defendant shall file its Rule 12(c) Motion on or before August 3, 2009.
- 22 2. Plaintiffs shall file their opposition to defendant's motion on or before August 27,
23 2009.
- 24 3. Defendant shall file its brief in reply to plaintiffs' opposition on or before
25 September 14, 2009.
- 26 4. Defendant shall lodge with the Court a three ring binder containing (1) defendant's
27 Rule 12(c) Motion; (2) plaintiffs' opposition memorandum; (3) defendant's reply
28 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

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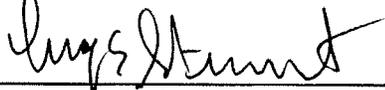
which shall be clearly labeled, on or before September 18, 2009 at 2:00 p.m..

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

IT IS SO STIPULATED

Dated: July 8, 2009

JONES DAY

By: 
Craig E. Stewart

Attorneys for Defendant
APPLE INC.

Dated: July 8, 2009

COUGHLIN STOIA GELLER RUDMAN &
ROBBINS LLP

By: 
Thomas R. Merrick

Co-Lead Counsel for Plaintiffs

* * *

IT IS SO ORDERED

Dated: July 10, 2009


THE HONORABLE JAMES WARE
UNITED STATES DISTRICT JUDGE

SFI-614179v1