

1 Robert A. Mittelstaedt #60359
 ramittelstaedt@jonesday.com
 2 Craig E. Stewart #129530
 cestewart@jonesday.com
 3 Michael Scott #255288
 michaelscott@jonesday.com
 4 JONES DAY
 555 California Street, 26th Floor
 5 San Francisco, CA 94104
 Telephone: (415) 626-3939
 6 Facsimile: (415) 875-5700

7 Attorneys for Defendant
 APPLE INC.

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

11
 12 THE APPLE IPOD iTUNES ANTI-TRUST
 13 LITIGATION

Case No. C 05-00037 JW
 C 06-04457 JW

**APPLE'S MISCELLANEOUS
 ADMINISTRATIVE MOTION TO FILE
 UNDER SEAL DEFENDANT'S MOTION
 FOR RECONSIDERATION OF RULE
 23(B)(2) CLASS AND DECLARATION OF
 EDDY CUE**

Date: October 5, 2009
Time: 9:00 A.M.
Place: Courtroom 8, 4th floor

28

1 Pursuant to Local Rules 7-11(a) and 79-5(b) and (c), defendant Apple Inc. (“Apple”)
2 requests that the Court order the Clerk of the Court to file under seal the following confidential
3 documents that Apple is lodging with the Court on August 31, 2009: Defendant’s Motion for
4 Reconsideration of Rule 23(b)(2) Class, and the Declaration of Eddy Cue in Support of
5 Defendant’s Motion for Reconsideration of Rule 23(b)(2) Class.

6 The requested relief is necessary and narrowly tailored to protect the confidentiality of
7 Apple’s commercially sensitive business information, including undisclosed iTunes Store sales
8 and cost data. The confidential sales numbers and costs have been redacted from Defendant’s
9 Motion for Reconsideration of Rule 23(b)(2) Class to allow public access to the redacted motion,
10 and the redacted motion is marked “REDACTED.” Pursuant to Local Rule 79-5, this request is
11 supported by the declaration of Steven Leung and is accompanied by a proposed order to file
12 under seal.

13
14 Dated: August 31, 2009

JONES DAY

15
16 By: _____

Michael Scott

17
18 Attorneys for Defendant
APPLE INC.

19
20 SFI-617787v1