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 APPLE INC.
 8

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

13 THE APPLE IPOD iTUNES ANTI-TRUST
 LITIGATION

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

**DECLARATION OF STEVEN
 LEUNG IN SUPPORT OF APPLE'S
 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

22
 23 I, Steven Leung, declare:

24 I have been employed by Apple Inc. since December 1999. I currently hold the position
 25 of Senior Director, iTunes Finance. I make this declaration based on personal knowledge and, if
 26 called upon to do so, could and would testify competently thereto.

- 27 1. Portions of Defendant's Motion for Reconsideration of Rule 23(b)(2) Class and
 28

1 the Declaration of Eddy Cue in Support of Defendant’s Motion for Reconsideration of Rule
2 23(b)(2) Class contain confidential and commercially sensitive business information, including
3 iTunes Store sales and registration data and costs which Apple must pay to sell music through the
4 iTunes Store.

5 2. Apple’s practices are that such information is to be kept confidential and must not
6 be publicly disclosed. Information about iTunes Store sales in the United States is not publicly
7 disclosed by Apple; Apple reports sales on a worldwide basis. Apple likewise does not disclose
8 iTunes Store registration data or the royalty costs that it pays to record labels as a condition of
9 selling music through the iTunes Store. This information is non-public financial information
10 from a public company that should remain confidential.

11 3. Harm to Apple Inc. would result from the disclosure of the information contained
12 in these documents without the “Confidential –Attorneys Eyes Only” protections provided by the
13 Stipulation and Protective Order Regarding Confidential Information entered June 13, 2007
14 (Document No. 112). I believe the release of this information would adversely impact Apple’s
15 bargaining position in future dealings with current and potential business partners.

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

18 Executed this 27th day of August, 2009 in Cupertino, California.

19
20 _____
21 Steven Leung

22 SFI-617077v1