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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

THE APPLE IPOD ITUNES ANTI-TRUST)
 LITIGATION)

Lead Case No. C-05-00037-JW(RS)

CLASS ACTION

This Document Relates To:

ALL ACTIONS.

NOTICE OF MOTION AND
 ADMINISTRATIVE MOTION TO FILE
 UNDER SEAL THE DECLARATION OF
 THOMAS R. MERRICK IN SUPPORT OF
 DIRECT PURCHASER PLAINTIFFS'
 MEMORANDUM IN RESPONSE TO
 COURT'S JULY 17, 2009 ORDER AS TO
 INJUNCTIVE RELIEF SOUGHT
 PURSUANT TO LOCAL RULE 79-5(c)

Judge: Hon. James Ware
 Date: October 5, 2009
 Time: 9:00 a.m.
 Ctrm: 8 – 4th Floor

1 TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

2 PLEASE TAKE NOTICE that, pursuant to Local Rule 7-11(a) and 79-5(c), on October 5,
3 2009 at 9:00 a.m., or as soon thereafter as counsel may be heard, in Courtroom 8, Fourth Floor,
4 located at 280 South First Street, San Jose, California, before the Honorable James Ware, United
5 States District Judge, Plaintiffs Somtai Troy Charoensak, Mariana Rosen, and Melanie Tucker
6 (collectively "Plaintiffs") will move for permission from the Court to file under seal the Declaration
7 of Thomas R. Merrick in Support of Direct Purchaser Plaintiffs' Memorandum in Response to
8 Court's July 17, 2009 Order as to Injunctive Relief Sought.

9 The reasons supporting Plaintiffs' administrative motion are set forth in the Declaration of
10 Thomas R. Merrick filed concurrently herewith. Plaintiffs have also concurrently lodged a proposed
11 order.

12 DATED: August 31, 2009

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28 NOTICE OF MOTION AND ADMINISTRATIVE MOTION TO FILE UNDER SEAL THE
DECLARATION OF THOMAS R. MERRICK IN SUPPORT OF DIRECT PURCHASER PLAINTIFFS'
MEMORANDUM IN RESPONSE TO COURT'S JULY 17, 2009 ORDER AS TO INJUNCTIVE RELIEF
SOUGHT PURSUANT TO LOCAL RULE 79-5(c) - C-05-00037-JW(RS)

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CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 31, 2009.

s/ Thomas R. Merrick

THOMAS R. MERRICK

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Manual Notice List

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