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 APPLE INC.

8 UNITED STATES DISTRICT COURT
 9
 10 NORTHERN DISTRICT OF CALIFORNIA

11 THE APPLE IPOD iTUNES ANTI-TRUST
 12 LITIGATION

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

13 **DECLARATION OF MICHAEL**
 14 **SCOTT IN SUPPORT OF**
 15 **DEFENDANT'S MOTION FOR**
 16 **DECERTIFICATION OF RULE**
 17 **23(B)(3) CLASS**

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

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1 I, Michael Scott, declare as follows:

2 I am an associate in the law firm of Jones Day, located at 555 California Street, 26th
3 Floor, San Francisco, CA 94104. I am a member in good standing of the State Bar of California
4 (#255282) and represent Apple Inc. in this case. I make this declaration in support of Apple's
5 Motion for Decertification of Rule 23(B)(3) Class. I have personal knowledge of the facts set
6 forth herein and, if called as a witness, I could and would testify competently thereto.

7 1. Attached hereto as Exhibit 1 is a true and correct copy of transcript excerpts of the
8 deposition of Gary French, taken in this matter on April 3, 2009.

9 2. Attached hereto as Exhibit 2 is a true and correct copy of transcript excerpts of the
10 deposition of Roger Noll, taken in this matter on September 19, 2008.

11 I declare under penalty of perjury under the laws of the United States that the foregoing is
12 true and correct. Executed August 31, 2009 in San Francisco, California.

13 /s/ Michael Scott
14 Michael Scott

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