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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

THE APPLE IPOD ITUNES ANTI-TRUST ) Lead Case No. C-05-00037-JW(RS)  
LITIGATION )  
\_\_\_\_\_ ) CLASS ACTION

This Document Relates To: ) [PROPOSED] ORDER DENYING APPLE'S  
CHAROENSAK v. APPLE ) ADMINISTRATIVE MOTION TO SET  
COMPUTER, INC., ) BRIEFING SCHEDULE FOR  
No. C-05-00037-JW ) DECERTIFICATION MOTION  
TUCKER v. APPLE COMPUTER, )  
INC., )  
No. C-06-04457-JW )  
\_\_\_\_\_ )

1           Having considered Apple Inc.'s Administrative Motion to Set Briefing Schedule, Direct  
2 Purchaser Plaintiffs' opposition to Apple's motion, and all declarations filed therewith, as well as  
3 Apple Inc.'s Motion for Decertification of Rule 23(b)(3) Class, and accompanying declarations filed  
4 in support thereof, IT IS HEREBY ORDERED THAT Apple Inc.'s Administrative Motion to Set  
5 Briefing Schedule is DENIED. Direct Purchaser Plaintiffs shall file their opposition to Defendant's  
6 Motion for Decertification of Rule 23(b)(3) Class by October 12, 2009. Apple shall file its reply by  
7 October 19, 2009.

8           OR IN THE ALTERNATIVE, Apple shall file its reply by October 23, 2009, or a later date  
9 set by the Court.

10           OR IN THE ALTERNATIVE, Defendant's Motion for Decertification of Rule 23(b)(3)  
11 Class is HEREBY DENIED without prejudice to Apple's right to bring a decertification motion at an  
12 appropriate time in the litigation, after completion of discovery.

13           IT IS SO ORDERED.

14           DATED: \_\_\_\_\_

\_\_\_\_\_  
THE HONORABLE JAMES WARE  
UNITED STATES DISTRICT JUDGE

16 Submitted by:

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1 CERTIFICATE OF SERVICE

2 I hereby certify that on September 23, 2009, I electronically filed the foregoing with the  
3 Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail  
4 addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have  
5 mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF  
6 participants indicated on the attached Manual Notice List.

7 I certify under penalty of perjury under the laws of the United States of America that the  
8 foregoing is true and correct. Executed on September 23, 2009.

9  
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