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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	)	
	)	<u>CLASS ACTION</u>
This Document Relates To:	)	STIPULATION REGARDING BRIEFING
ALL ACTIONS.	)	SCHEDULE

1 WHEREAS, by order, on October 5, 2009, the Court continued the November 9, 2009  
2 hearing on Direct Plaintiffs' Motion to Modify Injunctive Relief Class Definition to Include iTMS  
3 Purchasers (Dkt. No. 236), Apple's Motion for Decertification of Rule 23(b)(3) Class (Dkt. No.  
4 240), and Apple's Motion for Reconsideration of Rule 23(b)(2) Class (Dkt. No. 244) to November  
5 23, 2009, at 9:00 a.m.;

6 WHEREAS, the Court ordered the parties to meet and confer and stipulate to a schedule  
7 consistent with the dates provided by the Court;

8 WHEREAS, the Court ordered that all briefing on the above listed motions be completed on  
9 or before November 9, 2009;

10 WHEREAS, Direct Plaintiffs and Apple are still negotiating with respect to Direct Plaintiffs  
11 filing their Opposition to Apple's Motion for Decertification of Rule 23(b)(3) Class on a date earlier  
12 than October 19, 2009 but, subject to such negotiations, are agreed that Direct Plaintiffs will file that  
13 Opposition no later than October 19, 2009; and

14 IT IS HEREBY STIPULATED by the parties, subject to Court approval, the following  
15 briefing schedule be adopted:

16 Direct Plaintiffs' Opposition to Apple's	Due on or before October 19, 2009
17 Motion for Decertification of Rule 23(b)(3)	
Class	

18 Apple's Reply Brief in Support of Motion	Due on or before November 9, 2009
for Decertification Rule 23(b)(3) Class	

19 Direct Plaintiffs' Reply Brief in Support of	Due on or before November 9, 2009
20 Motion to Modify the Injunctive Relief	
Class Definition to Include iTMS Purchasers	

21 Apple's Reply Brief in Support of Motion	Due on or before November 9, 2009
22 for Reconsideration of the Rule 23(b)(2)	
Class	

23 In addition, Indirect Plaintiff wishes to file a reply memorandum in connection with Indirect  
24 Plaintiff's Supplemental Memorandum in Support of Motion for Class Certification of Rule 23(b)(2)  
25 Class (*Somers v. Apple, Inc.*, Dkt. No. 83). Indirect Plaintiff contends that she is entitled to file such  
26 a brief under Local Civil Rule 7-3 as a matter of right and requests that the date by which she must  
27 submit her reply brief be set at November 9, 2009, the same date as the other reply briefs on the  
28 schedule. Apple's position is that Rule 7-3 is inapplicable because Indirect Plaintiff's Supplemental

Memorandum is not a motion. Apple accordingly believes no further briefs are appropriate in connection with the Supplemental Memorandum. If the Court is willing to accept the proposed reply memorandum, Apple agrees that its due date should be November 9, 2009.

DATED: October 9, 2009

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8 DATED: October 9, 2009

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#### ECF CERTIFICATION

The filing attorney attests that he has obtained concurrence regarding the filing of this document from the signatories to this document.

Dated: October 9, 2009

By: s/ Bonny E. Sweeney

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I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 9, 2009.

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