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21 [Additional counsel appear on signature page.]

22 UNITED STATES DISTRICT COURT  
 23 NORTHERN DISTRICT OF CALIFORNIA  
 24 SAN JOSE DIVISION

25 THE APPLE IPOD ITUNES ANTI-TRUST )  
 26 LITIGATION )

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

26 CLASS ACTION

27 This Document Relates To: )  
 28 ALL ACTIONS. )

27 NOTICE OF MOTION AND  
 28 ADMINISTRATIVE MOTION TO FILE  
 UNDER SEAL PORTIONS OF  
 PLAINTIFFS' REPLY MEMORANDUM IN  
 SUPPORT OF THEIR MOTION TO  
 MODIFY INJUNCTIVE RELIEF CLASS  
 DEFINITION TO INCLUDE iTMS  
 PURCHASERS AND EXHIBIT 1 TO THE  
 MERRICK DECLARATION PURSUANT  
 TO LOCAL RULE 79-5(b)-(c)

Judge: Hon. James Ware  
 Date: November 23, 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(b)-(c), on November  
3 23, 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 portions of  
7 Plaintiffs' Reply Memorandum in Support of Their Motion to Modify Injunctive Relief Class  
8 Definition to Include iTMS Purchasers and Exhibit 1 to the Merrick Declaration.

9 The reasons supporting Plaintiffs' administrative motion are set forth in the Declaration of  
10 Thomas R. Merrick in Support of Plaintiffs' Motion to File Under Seal Portions of Plaintiffs' Reply  
11 Memorandum in Support of Their Motion to Modify Injunctive Relief Class Definition to Include  
12 iTMS Purchasers and Exhibit 1 to the Merrick Declaration Pursuant to Local Rule 79-5(b)-(c), filed  
13 concurrently herewith. Plaintiffs have also concurrently lodged a proposed order.

14 DATED: November 9, 2009

Respectfully submitted,

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1 CERTIFICATE OF SERVICE

2 I hereby certify that on November 9, 2009, I electronically filed the foregoing with the Clerk  
3 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 November 9, 2009.

9  
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- (No manual recipients)