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19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA
 21 SAN JOSE DIVISION

22 THE APPLE IPOD ITUNES ANTI-TRUST)
 23 LITIGATION)

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

CLASS ACTION

24 This Document Relates To:)

25 ALL ACTIONS.)

26) DECLARATION OF THOMAS R.
 27) MERRICK IN SUPPORT OF PLAINTIFFS'
 28) REPLY MEMORANDUM IN SUPPORT OF
) THEIR MOTION TO MODIFY
) INJUNCTIVE RELIEF CLASS DEFINITION
) TO INCLUDE iTMS PURCHASERS

Judge: Hon. James Ware
 Date: November 23, 2009
 Time: 9:00 a.m.
 CTRM: 8-4th Floor

REDACTED

1 I, Thomas R. Merrick, hereby declare as follows:

2 1. I am an attorney duly licensed to practice before all of the courts of the State of
3 California. I am associated with the law firm of Coughlin Stoia Geller Rudman & Robbins LLP,
4 Co-Lead Class Counsel of record for Plaintiffs Melanie Tucker, Mariana Rosen, and Somtai Troy
5 Charoensak in this action. I have personal knowledge of the matters stated herein, and, if called
6 upon, I could and would competently testify thereto.

7 2. I submit this declaration in support of Plaintiffs' Reply Memorandum in Support of
8 Their Motion to Modify Injunctive Relief Class Definition to Include iTMS Purchasers.

9 3. Attached hereto is a true and correct copy of the following document:

10 Exhibit 1: [Redacted]

11 Bates stamped Apple_AIIA00090405-07.

12 I declare under penalty of perjury under the laws of the United States of America that the
13 foregoing is true and correct. Executed this 9th day of November, 2009, at San Diego, California.

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s/ Thomas R. Merrick
THOMAS R. MERRICK

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CERTIFICATE OF SERVICE

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I hereby certify that on November 9, 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 November 9, 2009.

s/ Thomas R. Merrick
THOMAS R. MERRICK

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