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8	UNITED STATE	S DISTRICT COURT
9	NORTHERN DISTRICT OF CALIFORNIA	
10	SAN JOSE DIVISION	
11		
12	THE APPLE iPOD iTUNES ANTI-TRUST	Case No. C 05-00037 JW
13	LITIGATION	C 06-04457 JW
14		APPLE'S MISCELLANEOUS ADMINISTRATIVE MOTION TO FILE
15 16		UNDER SEAL DEFENDANT'S REPLY IN SUPPORT OF MOTION FOR
10		<b>RECONSIDERATION OF RULE 23(B)(2)</b>
18		CLASS AND DECLARATION OF ARTHUR RANGEL
10		Date: November 23, 2009
20		Time:9:00 A.M.Place:Courtroom 8, 4th floor
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		Apple Inc.'s Admin. Mot. to File Under Seal C 05-00037 JW; C 06-04457 JW
		C 05-00057 JW, C 00-04457 JW

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Pursuant to Local Rules 7-11(a) and 79-5(b) and (c), defendant Apple Inc. ("Apple")
requests that the Court order the Clerk of the Court to file under seal the following confidential
documents that Apple is lodging with the Court on November 9, 2009: Defendant's Reply In
Support of Motion for Reconsideration of Rule 23(b)(2) Class, and the Declaration of Arthur
Rangel in Support of Apple's Reply In Support of Reconsideration of Rule 23(b)(2) Class.

6 The requested relief is necessary and narrowly tailored to protect the confidentiality of 7 Apple's commercially sensitive business information, including undisclosed iTunes Store sales 8 and cost data. The confidential sales and costs information and confidential survey response data 9 have been redacted from Defendant's Reply In Support of Motion for Reconsideration of Rule 10 23(b)(2) Class to allow public access to the redacted motion, and the redacted motion is marked 11 "REDACTED." Identical sales and cost information was ordered to be filed under seal in 12 Apple's Motion for Reconsideration of Rule 23(b)(2) Class. See Dkt. 247. The declaration of 13 Arthur Rangel is comprised almost entirely of commercially sensitive business information and 14 therefore cannot be redacted in part. Apple requests that the entire declaration be filed under seal. 15 A previous declaration of Arthur Rangel attaching similar survey response data was ordered to be 16 filed under seal in connection with Apple's Memorandum In Opposition to Motion for Class 17 Certification. See Dkt. 184. Pursuant to Local Rule 79-5, this request is supported by the 18 Declaration of Steven Leung filed on August 31, 2009 (Dkt. 233) and the attached Declaration of 19 Michael Scott, and is accompanied by a proposed order to file under seal.

21 Dated: November 9, 2009

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## JONES DAY

By: /s/Michael Scott Michael Scott

Attorneys for Defendant APPLE INC.

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## DECLARATION OF MICHAEL SCOTT IN SUPPORT OF APPLE'S MISCELLANEOUS ADMINISTRATIVE MOTION TO FILE UNDER SEAL DEFENDANT'S REPLY IN SUPPORT OF MOTION FOR RECONSIDERATION OF RULE 23(B)(2) CLASS AND DECLARATION OF ARTHUR RANGEL

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5	Based on my personal knowledge, information and belief, I, Michael Scott, declare:	
6	1. I am an attorney licensed to practice law in the State of California and admitted to	
7	practice before the United States District Court of the Northern District of California. I am an	
8	associate in the law firm of Jones Day in San Francisco, California, counsel for defendant Apple	
9	Inc. in the above-captioned action. I have personal knowledge of the facts set forth herein and, if	
10	called as a witness, I could and would testify competently thereto.	
11	2. I make this declaration in support of Apple's Administrative Motion to File Under	
12	Seal the following confidential documents:	
13	(a) Defendant's Reply In Support of Motion for Reconsideration of Rule	
14	23(b)(2) Class.	
15	(b) Declaration of Arthur Rangel in Support of Apple's Reply In Support of	
16	Reconsideration of Rule 23(b)(2) Class.	
17	3. Sealing of the documents identified above is warranted because each of these	
18	documents contains confidential commercially sensitive business information, including	
19	undisclosed iTunes Store sales and cost information and customer survey data and analysis. I	
20	have narrowly tailored the number of confidential documents in this request and redacted	
21	documents in order to minimize those that need be filed under seal.	
22	I declare under penalty of perjury that the foregoing is true and correct and that this	
23	Declaration was executed on November 9, 2008.	
24	/s/Michael Scott Michael Scott	
25		
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	Apple Inc.'s Admin. Mot. to File Under Seal	

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