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 APPLE INC.

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

11
 12 THE APPLE IPOD iTUNES ANTI-TRUST
 13 LITIGATION

Case No. C 05-00037 JW
 C 06-04457 JW

14 **APPLE'S MISCELLANEOUS**
 15 **ADMINISTRATIVE MOTION TO FILE**
 16 **UNDER SEAL DEFENDANT'S REPLY IN**
 17 **SUPPORT OF MOTION FOR**
 18 **RECONSIDERATION OF RULE 23(B)(2)**
 19 **CLASS AND DECLARATION OF**
 20 **ARTHUR RANGEL**

21 **Date:** November 23, 2009
 22 **Time:** 9:00 A.M.
 23 **Place:** Courtroom 8, 4th floor

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

20
21 Dated: November 9, 2009

JONES DAY

22
23 By: /s/Michael Scott
24 Michael Scott

25 Attorneys for Defendant
26 APPLE INC.

