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8 Attorneys for Defendant  
 APPLE INC.  
 9

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN JOSE DIVISION

13  
 14 THE APPLE IPOD iTUNES ANTI-TRUST  
 LITIGATION.

Case No. C 05-00037 JW (HRL)  
 C 06-04457 JW (HRL)

15  
 16 **DECLARATION OF JEFFREY**  
**ROBBIN IN SUPPORT OF APPLE'S**  
 17 **ADMINISTRATIVE MOTION TO**  
**SEAL**  
 18

19  
 20 I, Jeffrey Robbin, declare as follows:

21 1. I am the Vice President of iTunes and Apple TV Engineering at Apple. I make  
 22 this declaration in support of Apple's Administrative Motion To File Under Seal. The facts stated  
 23 in this declaration are true and based upon my own personal knowledge and, if called to testify to  
 24 them, I would competently do so.

25 2. Apple's Motion to Dismiss or, Alternatively, Motion for Summary Judgment, and  
 26 the Declaration of Jeffrey Robbin in support thereof, contain highly confidential and  
 27 commercially sensitive business information, including confidential details of Apple's FairPlay  
 28 digital rights management (DRM) technology and updates to that technology, confidential

1 contract terms, and confidential communications between Apple and record labels regarding the  
2 distribution of music through the iTunes Store and Apple's FairPlay DRM technology. Apple  
3 keeps this information highly confidential and does not publicly disclose it.

4 3. Apple's FairPlay technology is a highly protected trade secret, and Apple uses  
5 physical and electronic controls to protect it. The efficacy of FairPlay is dependent on the  
6 confidentiality of information regarding its operation and maintenance. Only a few Apple  
7 employees have access to and work on FairPlay, and they work in restricted areas. Information  
8 regarding FairPlay is non-public, proprietary information from a public company that should  
9 remain confidential. Harm to Apple would result from the public disclosure of the information.

10 4. Apple's contracts with record labels, which include information regarding the  
11 manner in which FairPlay protects music sold through the iTunes Store, are subject to  
12 confidentiality provisions and have not been disclosed outside of Apple except to plaintiffs  
13 pursuant to the Stipulation and Protective Order Regarding Confidential Information entered June  
14 13, 2007 ("Protective Order," Doc. 112). Similarly, Apple's communications with the record  
15 labels regarding FairPlay's operation and the distribution of music through Apple's iTunes Store  
16 are kept highly confidential and have not been disclosed outside of Apple except to plaintiffs  
17 pursuant to the Protective Order. This information is non-public information from a public  
18 company that should remain confidential. Harm to Apple would result from the public disclosure  
19 of this highly confidential information. For example, the disclosure of confidential contract terms  
20 and communications regarding those terms would adversely impact Apple's bargaining position  
21 in future dealings with current and potential business partners.

22 I declare under penalty of perjury under the laws of the United States and the State of  
23 California that the foregoing is true and correct.

24 Executed this 11 day of February, 2010 in Cupertino, California.

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26 \_\_\_\_\_  
Jeffrey Robbin

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