

# EXHIBIT C

Redacted

Thomas R. Merrick  
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April 19 2010

VIA E-MAIL & U.S. MAIL

David C. Kiernan  
Jones Day  
555 California Street, 26th Floor  
San Francisco, CA 94104

Re: *The Apple iPod iTunes Anti-Trust Litigation*,  
No. C-05-00037-JW (N.D. Cal.)

Dear David:

On March 22, 2010, Plaintiffs received Apple's last production responsive to the initially agreed upon categories of documents pursuant to Plaintiffs' Rule 30(b)(6) deposition notice and related document requests served on April 9, 2009. As you may recall, after several meet and confers, the parties agreed that Apple would initially produce a subset of documents concerning: (1) updates to FairPlay that related to competitors' attempts to create interoperability; (2) documents sufficient to identify the relevant software updates; (3) RealNetworks' Harmony; and (4) communications with the record labels regarding the software the relevant software updates. In total, Plaintiffs have received approximately 1,000 documents (totaling 3,700 pages) relevant to these categories.

Plaintiffs have reviewed Apple's this production and found the following deficiencies:

(1) Apple's production is limited to internal emails, email attachments and two internal instant messages. Notably missing are notes, minutes or other memorializations of meetings attended by Apple concerning the relevant software updates. However, there is evidence that such meetings took place.

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While at least some of the email correspondence concerning the existence of these meetings was produced, no minutes, notes, or other memorializations of the meetings were produced. Additionally, to the extent other internal meetings or meetings with other third parties took place concerning the software updates, Plaintiffs are entitled to these documents. Please produce accordingly.

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(2) Additionally, Apple has not produced any notes, instructions, memoranda or other communications provided to developers or other persons responsible for creating and implementing the software updates. Plaintiffs find it hard to believe that separate and apart from email correspondence, all other communications at Apple concerning the software updates were oral. Please produce any documents that reflect these communications.

(3) Moreover, it seems that the focus of the document production is related to iTunes software updates. Plaintiffs also sought production of documents related to the relevant iPod updates. The agreed upon search terms should have captured these documents. Please confirm that these documents were not withheld from production. If they were, please produce accordingly.

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Apple agreed to produce all documents having to do with RealNetworks, however, this communication was not produced. Please produce accordingly.

Although the parties agreed that Apple would produce the subset of responsive documents described above, Plaintiffs repeatedly reserved their rights to seek response to all of the document requests. See 6/18/09 Letter from Merrick to Mittelsteadt, at 1; 8/3/09 Email from Roach to Kiernan. Accordingly, in light of Apple's pending motion and after review of the current production, Plaintiffs seek the following additional documents regarding the iTunes and iPod updates pursuant to the Rule 30(b)(6) related document requests:

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(A) Documents concerning Apple's understanding of how Harmony works. This would include internal emails, to the extent not produced, memos, instructions, notes, and documents concerning Harmony's code;

(B) Specifications, design documents, and diagrams regarding those changes to FairPlay that broke Harmony. This would include any changes to iTunes software, iPod firmware, or QuickTime, to the extent these changes were made. For example, if the FairPlay change required updates to iTunes and the iTunes Store and iPod firmware and QuickTime, then we want documents that address all of those topics;

(C) Documents that describe the relationship between iTunes software updates and iPod firmware updates;

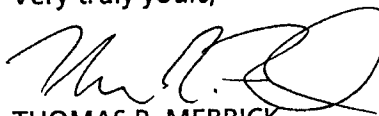
(D) Redacted

(E) Code related to iTunes software updates 4.6 and 4.7; and

(F) Code related to iTunes software updates (other than 4.6 and 4.7) and iPod firmware updates that addressed "hacks."

As the date for Plaintiffs' related Rule 30(b)(6) deposition is rapidly approaching, Plaintiffs seek production of the above documents as soon as possible. Please let us know if you have any questions.

Very truly yours,



THOMAS R. MERRICK

TRM:hsb

cc: Bonny Sweeney (via email)  
Paula Roach (via email)  
Robert A. Mittelstaedt (via email)  
Michael T. Scott (via email)