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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

THE APPLE IPOD ITUNES ANTI-TRUST	)	Lead Case No. C-05-00037-JW(HRL)
LITIGATION	)	
	)	<u>CLASS ACTION</u>
This Document Relates To:	)	
ALL ACTIONS.	)	STIPULATION EXTENDING DEADLINE
	)	FOR TAKING DEPOSITIONS

1 WHEREAS, the Court set a deadline of December 20, 2010 for the close of fact discovery;

2 WHEREAS, the parties have been engaging in good faith efforts to complete fact discovery  
3 by December 20, 2010;

4 WHEREAS, Apple has recently produced a large volume of documents in response to  
5 plaintiffs requests, including financial information and data;

6 WHEREAS, Apple supplemented its initial disclosures by adding the names of several  
7 witnesses that the parties previously agreed from whom documents would be obtained with the areas  
8 of knowledge about the matters at issue in Direct Purchasers' Plaintiffs' complaint on December 15,  
9 2010;

10 WHEREAS, Direct Purchaser Plaintiffs have been taking depositions of Apple's witnesses,  
11 including witnesses for whom additional documents were recently produced, in a good faith effort to  
12 complete fact discovery by December 20, 2010;

13 WHEREAS, Direct Purchaser Plaintiffs have noticed a 30(b)(6) deposition of an Apple  
14 witness for December 20, 2010, regarding, among other things, the cost, revenue and sales data just  
15 produced by Apple;

16 WHEREAS, Direct Purchaser Plaintiffs have received some financial data that they believe is  
17 not immediately useable by their experts;

18 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the  
19 parties, subject to Court approval, that good cause exists to modify the discovery schedule as  
20 follows:

21 1. The 30(b)(6) deposition scheduled for Monday, December 20, 2010 is deferred. The  
22 parties shall agree to a mutually convenient date to conduct this deposition after Direct Purchaser  
23 Plaintiffs have had an opportunity to review the data produced by Apple;

24 2. To the extent that Direct Purchaser Plaintiffs discover, upon review, that they  
25 reasonably need to examine Apple witnesses whether or not previously deposed about documents  
26 recently produced by Apple, the parties will meet and confer in good faith with respect to plaintiffs'  
27 requests and will agree to mutually convenient dates to conduct such depositions or promptly present  
28 any dispute to the Magistrate Judge; and

3. The parties are meeting and conferring about the impact, if any, of Apple's recent production of financial data on plaintiffs' preparation of their class certification motion, and, if the parties are unable to resolve the issue, will promptly present any remaining dispute to the Court.

DATED: December 17, 2010

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**ECF CERTIFICATION**

The filing attorney attests that she has obtained concurrence regarding the filing of this document from the signatories to this document.

DATED: December 17, 2010

s/Bonny E Sweeney  
BONNY E. SWEENEY

1 CERTIFICATE OF SERVICE

2 I hereby certify that on December 17, 2010, I authorized the electronic filing of the foregoing  
3 with the Clerk of the Court using the CM/ECF system which will send notification of such filing to  
4 the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I  
5 caused to be mailed the foregoing document or paper via the United States Postal Service to the non-  
6 CM/ECF participants indicated on the attached Manual Notice List.

7 I certify under penalty of perjury under the laws of the United States of America that the  
8 foregoing is true and correct. Executed on December 17, 2010.

9 s/ Bonny E. Sweeney  
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## Manual Notice List

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- (No manual recipients)