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APPLE INC.

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

14 THE APPLE IPOD iTUNES ANTI-TRUST
LITIGATION.

Case No. C 05-00037 JW (HRL)

[CLASS ACTION]

**DECLARATION OF MICHAEL SCOTT
IN SUPPORT OF APPLE INC.'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

20 1. I am an associate in the law firm of Jones Day, located at 555 California Street,
21 26th Floor, San Francisco, CA 94104. I make this declaration in support of Apple's
22 Administrative Motion to File Under Seal. The facts stated in this declaration are true and based
23 upon my own personal knowledge and, if called to testify to them, I would competently do so.

24 2. On December 22, 2010, Plaintiffs filed an Amended Administrative Motion to File
25 Under Seal Portions of Plaintiffs' Opposition to Apple Inc.'s Motion for the Protective Order
26 Preventing the Deposition of Steve Jobs, Portions of the Bernay Declaration and Exhibits 1-4 and
27 6-11 Pursuant to Local Rule 79-5(b) and (c) (Dkt. 406), requesting that the Court seal information
28 that Apple designated as "Confidential—Attorneys Eyes Only" under the Stipulation and

Decl. ISO Apple Inc.'s Administrative Motion to Seal
C 05 00037 JW (HRL)

1 Protective Order Regarding Confidential Information ("Protective Order") entered June 13, 2009
2 (Dkt. 112). On December 27, 2010, Apple filed Defendant's Response to Plaintiffs'
3 Administrative Motion to File Under Seal (Dkt. 408) and a declaration of Eddy Cue in support
4 thereof (Dkt. 409) ("Cue Declaration"), establishing good cause to permit filing under seal the
5 information addressed in Plaintiffs' Administrative Motion.

6 3. Apple now asks the Court to seal references to the same or similar information
7 contained in its Reply in Support of its Motion for Protective Order Preventing the Deposition of
8 Steve Jobs and the Declaration of David Kiernan in support thereof.

9 4. As set forth in the Declaration of Eddy Cue, ¶ 3, 5, and 9, this information includes
10 sensitive contract terms, communications with record labels, and decisions by Apple employees
11 regarding Apple's business strategy. The Cue Declaration establishes that disclosure of this
12 information would cause substantial harm to Apple and would put Apple at a significant business
13 disadvantage. *Id.* at ¶ 5 and 9.

14 5. Motions to seal such information have been granted previously in this case. *See*
15 Dkt. 340, 353, and 361.

16 Executed this 4th day of January, 2011 in San Francisco, California.

17 /s/ Michael T. Scott

18 Michael T. Scott

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