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8 Attorneys for Defendant  
 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 MARK BUCKLEY  
 IN SUPPORT OF APPLE INC.'S  
 RESPONSE TO PLAINTIFFS'  
 ADMINISTRATIVE MOTION TO FILE  
 UNDER SEAL**

20 I, Mark Buckley, declare as follows:

21 1. I am a Financial Analyst at Apple Inc. ("Apple"). I have held this position since  
 22 August 15, 2005. I submit this declaration in support of Apple's Response to Plaintiffs'  
 23 Administrative Motion to File Under Seal (Dkt. 434, "Administrative Motion"). The facts stated  
 24 in this declaration are true and based upon my own personal knowledge, and if called to testify to  
 25 them, I would competently do so.

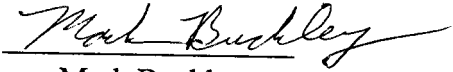
26 2. The relief requested in the Administrative Motion is necessary and narrowly  
 27 tailored to protect Apple's confidential business information. The redacted portions of pages 5  
 28

1 and 6 of Plaintiffs' Motion Regarding Schedule for Class Certification and Depositions (Dkt.  
2 432) and page 2 of the Bernay Declaration in support thereof (Dkt. 433) contain confidential  
3 descriptions of data regarding Apple's transactions with iPod resellers that must be kept  
4 confidential in order to avoid causing substantial harm to Apple.

5 3. Apple's practices are that such information is to be kept highly confidential and  
6 must not be publicly disclosed. Data regarding Apple's transactions with iPod resellers was  
7 produced to plaintiffs pursuant to the Stipulation and Protective Order Regarding Confidential  
8 Information entered June 13, 2007 ("Protective Order," Dkt. 112). The public disclosure of this  
9 highly confidential information would cause substantial harm to Apple.

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

12 Executed this 13 day of January, 2011 in Cupertino, California.

13   
14 Mark Buckley

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