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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)

[CLASS ACTION]

16 This Document Relates To:

17 ALL ACTIONS

**DECLARATION OF JEFFREY  
 ROBBIN IN SUPPORT OF APPLE'S  
 ADMINISTRATIVE MOTION TO  
 SEAL**

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 Inc.'s Administrative Motion To File Under Seal. The facts  
 23 stated in this declaration are true and based upon my own personal knowledge and, if called to  
 24 testify to them, I would competently do so.

25 2. Apple's Renewed Motion for Summary Judgment and declarations and exhibits  
 26 filed in support thereof contain highly confidential and commercially sensitive business  
 27 information, including confidential details of Apple's FairPlay digital rights management (DRM)  
 28

1 technology, updates to that technology, third-party technology used to protect or improve  
2 FairPlay, confidential contract terms, and confidential communications between Apple and record  
3 labels regarding the distribution of music through the iTunes Store and Apple's FairPlay DRM  
4 technology. Apple keeps this information highly confidential and does not publicly disclose it.

5 3. Apple's FairPlay technology is a highly protected trade secret, and Apple uses  
6 physical and electronic controls to protect it. The efficacy of FairPlay is dependent on the  
7 confidentiality of information regarding its operation and maintenance. Only a few Apple  
8 employees have access to and work on FairPlay, and they work in restricted areas. Information  
9 regarding FairPlay and third-party technology intended to increase FairPlay efficacy is non-public  
10 information that should remain confidential, and has been disclosed to plaintiffs pursuant to the  
11 Stipulation and Protective Order Regarding Confidential Information entered June 13, 2007  
12 ("Protective Order," Doc. 112). Harm to Apple would result from the public disclosure of the  
13 information.

14 4. Apple's contracts with record labels, which include information regarding the  
15 manner in which FairPlay protects music sold through the iTunes Store, are subject to  
16 confidentiality provisions and have been disclosed to plaintiffs pursuant to the Protective Order.  
17 Similarly, Apple's communications with the record labels regarding FairPlay's operation and the  
18 distribution of music through Apple's iTunes Store are kept highly confidential and have been  
19 disclosed to plaintiffs pursuant to the Protective Order. This information is non-public  
20 information that should remain confidential. Harm to Apple would result from the public  
21 disclosure of this highly confidential information. For example, the disclosure of confidential  
22 contract terms and communications regarding those terms would adversely impact Apple's  
23 bargaining position in future dealings with current and potential business partners.

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

26 Executed this 14 day of January, 2011 in Cupertino, California.

27   
28 \_\_\_\_\_  
Jeffrey Robbin