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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-  
15 TRUST LITIGATION

Lead Case No. C 05-00037 JW (HRL)  
[CLASS ACTION]

17 **This Document Relates To:**  
18 **ALL ACTIONS**

DECLARATION OF DAVID KIERNAN IN  
SUPPORT OF APPLE'S RENEWED  
MOTION FOR SUMMARY JUDGMENT

Judge: Honorable James Ware  
Date: April 18, 2011  
Time: 9:00 a.m.  
Place: Courtroom 8, 4th Floor

**DOCUMENT FILED UNDER SEAL**