

# APPENDIX B

## APPENDIX B [REDACTED]

### Documents/Data Considered By Professor Roger G. Noll and/or Economists Inc.

#### Document Title

1. Order Granting in Part Defendant's Motion for Judgment on the Pleadings; Ordering Supplemental Briefing
2. Order Granting Defendant's Motion for Judgment on the Pleadings As to the First Cause of Action for Violations of Section 1 of the Sherman Act and The Fifth Cause of Action for Violations of the Cartwright Act
3. Order Decertifying Classes Without Prejudice to Being Renewed; Inviting Further Motions
4. Defendant's Motion for Decertification of Rule 23(B)(3) Class
5. Expert Report of Dr. Michelle M. Burtis
6. Declaration of Michael Scott in Support of Defendant's Motion for Decertification of Rule 23(B)(3) Class
7. Plaintiffs' Memorandum in Opposition to Defendant's Motion for Decertification of Rule 23(b)(3) Class
8. Reply Declaration of Roger G. Noll
9. Declaration of Thomas R. Merrick in Support of Plaintiffs' Memorandum in Opposition to Defendant's Motion for Decertification of Rule 23(b)(3) Class
10. Defendant's Reply In Support of Motion for Decertification of Rule 23(B)(3) Class
11. Reply Expert Report of Dr. Michelle M. Burtis
12. Declaration of David C. Kiernan in Support of Reply on Motion for Decertification of Rule 23(B)(3) Class
13. Amended Consolidated Complaint for Violations of Sherman Antitrust Act, Clayton Act, Cartwright Act, California Unfair Competition Law, Consumers Legal Remedies Act, And California Common Law of Monopolization
14. Defendant Apple Inc.'s First Amended Answer and Defenses to Plaintiffs' Amended Consolidated Complaint
15. Order Granting in Part and Denying in Part Defendant's Motion to Dismiss; Denying as Premature Defendant's Motion for Summary Judgment; Granting Indirect Purchaser Plaintiff Leave to File an Amended Complaint
16. Apple's Motion to Dismiss or, Alternatively, For Summary Judgment

### **Document Title**

17. Declaration of Michael Scott in Support of Apple's Motion to Dismiss or, Alternatively, For Summary Judgment
18. Declaration of Jeffrey Robbin in Support of Defendant's Motion to Dismiss or in the Alternative Motion For Summary Judgment
19. Plaintiffs' Memorandum in Opposition to Apple's Motion to Dismiss or, Alternatively, For Summary Judgment
20. Declaration of Thomas R. Merrick in Support of Plaintiffs' Memorandum in Opposition to Apple's Motion to Dismiss or, Alternatively, For Summary Judgment
21. Declaration of Paula M. Roach Pursuant to Rule 56(f) of the Federal Rules of Civil Procedure in Support of Plaintiffs' Opposition to Apple's Motion to Dismiss or, Alternatively, For Summary Judgment
22. Apple's Reply in Support of Motion to Dismiss or, Alternatively, For Summary Judgment
23. Declaration of David C. Kiernan in Support of Apple's Reply in Support of Motion to Dismiss or, Alternatively, For Summary Judgment
24. Plaintiffs' Reply in Support of Their Motion for Additional Discovery Pursuant to Rule 56(f)
25. Declaration of Thomas R. Merrick in Support of Motion for Additional Discovery Pursuant to Rule 56(f)
26. Transcript of Proceedings for May 10, 2010
27. Defendant Apple Inc.'s Objections and Responses to Plaintiffs' Amended First Set of Requests for Admission
28. Defendant Apple Inc.'s Response to Plaintiffs' Amended First Set of Requests for Production of Documents
29. Defendant's Response to Plaintiffs' Second Set of Requests for Production of Documents
30. Defendant's Response to Plaintiffs' Third Set of Requests for Production of Documents
31. Defendant's Responses to Plaintiffs' First Set of Interrogatories Directed at Defendant Apple Computer, Inc.
32. Defendant Apple Inc.'s First Amended Objections and Answers to Plaintiffs' Amended First Set of Interrogatories
33. Defendant Apple Inc.'s Supplemental Objections and Answers to Plaintiffs' Amended

### Document Title

- First Set of Interrogatories
34. Defendant Apple Inc.'s First Amended Objections and Answers to Plaintiffs' Second Set of Interrogatories 14-16, 18-19
35. Defendant Apple Inc.'s First Amended Objections and Answers to Plaintiffs' Second Set of Interrogatories 9-13
36. Defendant Apple Inc.'s Objections and Answers to Plaintiffs' Third Set of Interrogatories
37. Defendant Apple Inc.'s Responses to Plaintiff's First Set of Requests for Production of Documents [Indirect Purchaser Plaintiff Action]
38. Defendant Apple Inc.'s Responses to Plaintiff's First Set of Interrogatories [Indirect Purchaser Plaintiff Action]
39. Deposition Transcript of Michelle M. Burtis, Ph.D, taken June 23, 2009 and Exhibits 1-3
40. Deposition Transcript of Michelle M. Burtis, Ph.D, taken September 30, 2009 and Exhibits 1-2
41. Deposition Transcript of Roger G. Noll, taken September 19, 2008
42. Deposition Transcript of Roger G. Noll, taken October 27, 2009 and Exhibit 1
43. Deposition Transcript of Jeffrey L Robbin, taken December 3, 2010 and Exhibits 1-20
44. Deposition Transcript of Augustin J. Farrugia, taken December 8, 2010 and Exhibits 21-31
45. Deposition Transcript of David K. Heller, taken December 15, 2010 and Exhibits 32-51
46. Deposition Transcript of Eddy Cue, taken December 17, 2010 and Exhibits 52- 74
47. Deposition Transcript of Arthur Rangel, taken December 17, 2010 and Exhibits 80-94
48. Deposition Transcript of Mark Donnelly, taken December 20, 2010 and Exhibits 95-118
49. *IT Hardware Apple Computer*, Deutsch Bank (September 21, 2005)
50. *Apple Computer Inc. – Apple Rings the Register*, Credit Suisse (September 8, 2005)
51. *Apple Computer: They Did It Again – Innov New Products*, Lehman Brothers (September 8, 2005)
52. Equity Research Note: September 14, 2005, Apple Computer, Inc., Needham

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53. Apple Computer Inc. Investment Case, Morgan Stanley (September 8, 2005)
54. *Apple Computer: Cingular to Offer iTunes Motorola Phone*, Lehman Brothers (August 31, 2005)
55. *Apple Computer: More iPod Cycling up Ahead*, Cowen & Co. (September 6, 2005)
56. *AAPL: Monster iPods and Guidance, Plus We Still Think Core Macs Accelerate in FY05; Raising Estimates and Target to \$53 – BUY*, Fulcrum Global Partners (October 14, 2004)
57. *Apple Computer Inc. Not the First Bite, But Plenty of Juice in the Apple*, JPMorgan Securities Inc. (October 14, 2004)
58. *Q4 Preview: iPod Invasion*, Credit Suisse First Boston (2004)
59. *AAPL: Initiating Coverage with a Neutral Rating*, Credit Suisse First Boston (August 18, 2004)
60. *Apple Computer: Nano Estimates and Raising Px Tx*, Lehman Brothers (September 22, 2005)
61. *AAPL Morning Meeting Notes*, Fulcrum Global Partners LLC (October 14, 2004)
62. *Apple Computer Inc.*, Credit Suisse First Boston (August 17, 2004)
63. *Apple Computer, Inc.*, Needham (June 21, 2004)
64. *Apple Computer Inc. iPod for Windows or Bust*, Needham (July 17, 2002)
65. *Apple Inc. Initiating Coverage with An Outperform Rating and 12-month Price Target of \$200*, Credit Suisse (August 7, 2008)
66. *Apple Inc. Upgrading rating to Overweight based on increased confidence in long-term growth outlook; Raising estimates and price target*, Thomas Weisel Partners (April 7, 2008)
67. *Apple Inc. Macworld Recap: An Uneventful Finale*, Credit Suisse (January 7, 2009)
68. *Apple Inc. The DRM-Free Movement Begins – ALERT*, JPMorgan (May 30, 2007)
69. *Apple Inc. iPod, iMac, iPhone, I Hold at This Price*, Scotia Capital (March 30, 2009)
70. *Apple Inc. A Strategic Nugget in the Accounting Change*, Credit Suisse (November 3, 2009)
71. *AAPL: Macworld Product Introductions as Expected*, Smith Barney Citigroup (January 7, 2004)
72. *AAPL: iPod Mini Revolution*, Credit Suisse First Boston (January 7, 2004)

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73. *Apple Computer Inc. iPod Steals Show at Macworld & Fiscal 1Q04 Preview*, UBS Investment Research (January 7, 2004)
74. *Apple Computer Inc. MacWorld: Mac Turns 20, iPod Goes "mini" & More*, JPMorgan (January 7, 2004)
75. *Apple Computer Inc. Macworld Expo San Fran Preview*, Morgan Stanley (January 5, 2004)
76. *AAPL: Apple iPods Could Drive Upside*, Credit Suisse First Boston (December 19, 2003)
77. *AAPL: Hewlett-Packard to Resell iPod, Distribute iTunes*, Smith Barney Citigroup (January 9, 2004)
78. *Apple Can Hear the Music With iTunes and iPod*, UBS (December 2, 2003)
79. *Apple Computer, Inc. Going for Broke: Apple's Lock in, Lock Out Music Strategy*, Needham (November 10, 2003)
80. *AAPL: Analyst Meeting Sets Positive Tone*, Credit Suisse First Boston (November 6, 2003)
81. *Apple Computer, Inc. Investment Recommendation*, Needham (October 23, 2003)
82. *AAPL: Apple Unveils iTunes for Windows – Reiterating 3H Rating*, Smith Barney Citigroup (October 16, 2003)
83. *AAPL: iTunes Launched in Europe, Should Fuel iPod Momentum*, UBS Investment Research (June 15, 2004)
84. *Apple Computer Huge iPod Quarter, As Advertised*, SG Cowen (January 15, 2004)
85. *AAPL: Apple Beats Q1 Despite Weaker PowerMac*, Suisse First Boston (January 15, 2004)
86. *AAPL: A Closer Look at the iPod Opportunity*, UBS Investment Research (June 3, 2004)
87. *Apple Computer Inc. iPods in Focus in Meeting with iPod Guru*, UBS Investment Research (February 6, 2004)
88. *First Read: Apple Computer iPod Mini Looks like a Hit*, UBS Investment Research (March 25, 2004)
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- 325. Declaration of Lawrence Kanusher

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- 326. Declaration of Mark Piibe
- 327. Declaration of Amanda Marks
- 328. Declaration of Howie Singer
- 329. Warner Music Group F1Q07 (Qtr End 12/31/06) Earnings Call Transcript
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- 584. Defendant Apple Inc.'s Responses to Plaintiff's First Set of Interrogatories, dated August 28, 2008 (*Somers v. Apple, Inc.*, Case No. C 07-6507 JW), Exhibits A & B.
- 585. [REDACTED]

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