

# Exhibit 1

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7 Attorneys for Defendant  
 APPLE INC.

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

13 THE APPLE IPOD iTUNES ANTI-TRUST  
 LITIGATION

Case No. C 05-00037 JW  
 C 06-04457 JW

**DECLARATION OF STEVEN  
 LEUNG IN SUPPORT OF APPLE'S  
 MOTION TO FILE UNDER SEAL  
 DEFENDANT'S MOTION FOR  
 RECONSIDERATION OF RULE  
 23(B)(2) CLASS AND  
 DECLARATION OF EDDY CUE**

**Date:** October 5, 2009  
**Time:** 9:00 A.M.  
**Place:** Courtroom 8, 4th floor

23 I, Steven Leung, declare:

24 I have been employed by Apple Inc. since December 1999. I currently hold the position  
 25 of Senior Director, iTunes Finance. I make this declaration based on personal knowledge and, if  
 26 called upon to do so, could and would testify competently thereto.

27 1. Portions of Defendant's Motion for Reconsideration of Rule 23(b)(2) Class and  
 28

1 the Declaration of Eddy Cue in Support of Defendant's Motion for Reconsideration of Rule  
2 23(b)(2) Class contain confidential and commercially sensitive business information, including  
3 iTunes Store sales and registration data and costs which Apple must pay to sell music through the  
4 iTunes Store.

5 2. Apple's practices are that such information is to be kept confidential and must not  
6 be publicly disclosed. Information about iTunes Store sales in the United States is not publicly  
7 disclosed by Apple; Apple reports sales on a worldwide basis. Apple likewise does not disclose  
8 iTunes Store registration data or the royalty costs that it pays to record labels as a condition of  
9 selling music through the iTunes Store. This information is non-public financial information  
10 from a public company that should remain confidential.

11 3. Harm to Apple Inc. would result from the disclosure of the information contained  
12 in these documents without the "Confidential -Attorneys Eyes Only" protections provided by the  
13 Stipulation and Protective Order Regarding Confidential Information entered June 13, 2007  
14 (Document No. 112). I believe the release of this information would adversely impact Apple's  
15 bargaining position in future dealings with current and potential business partners.

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

18 Executed this 27th day of August, 2009 in Cupertino, California.

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Steven Leung

22 SFI-617077v1  
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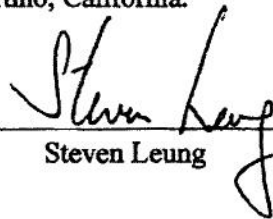
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