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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-TRUST
 LITIGATION

Lead Case No. C 05-00037 JW (HRL)
 [Class Action]

17 This Document Relates To:
 18 ALL ACTIONS

**MOTION FOR LEAVE TO FILE
 SUPPLEMENTAL OBJECTIONS
 TO REPLY DECLARATION OF
 ROGER C. NOLL AND
 SUPPLEMENTAL OPPOSITION
 TO CLASS CERTIFICATION
 MOTION**

Date: April 18, 2011
 Time: 9:00 a.m.
 Courtroom: 8, 4th Floor

1 Pursuant to Local Rule 7-11, defendant Apple Inc. hereby moves the Court for leave to
2 supplement its objections and opposition to Plaintiffs' class certification motion based on
3 deposition testimony from Plaintiffs' expert, Roger C. Noll, that was not available and could not
4 have been obtained before the deadlines for Apple's previously filed objections and opposition.
5 The proposed supplemental objections and opposition is less than two pages in length.

6 As explained in the supplemental objections and opposition, Professor Noll admitted at his
7 deposition that, contrary to Plaintiffs' assertion that Professor Noll had prepared a "working
8 regression analysis" (Doc. 550, p. 8), the regression model he proffered for the first time in his
9 reply declaration is not a valid damages model, contains specification errors that could bias its
10 results and cannot be relied upon to determine whether iPod prices were affected by the software
11 updates that Plaintiffs challenge.

12 Because the proposed regression goes to the heart of Plaintiffs' motion for class
13 certification, Apple submits that good cause exists to permit it to present to the Court its two-page
14 supplemental objections and opposition presenting Professor Noll's admissions.

15 Apple accordingly respectfully requests that the Court grant this motion for leave to file.

16 Dated: April 11, 2011

JONES DAY

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18 By: /s/ Robert A. Mittelstaedt
19 Robert A. Mittelstaedt

20 Attorneys for Defendant
21 APPLE INC.

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