

# EXHIBIT 2

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September 20, 2010

VIA EMAIL AND U.S. MAIL

David C. Kiernan  
Jones Day  
555 California Street, 26th Floor  
San Francisco, CA 94104

Re: *The Apple iPod iTunes Anti-Trust Litigation*,  
No. C-05-00037-JW (N.D. Cal.)

Dear David:

I write to follow up on the outstanding document requests from the Second Set of Requests for Production of Documents. Below are the outstanding document requests and documents that Plaintiffs seek through each request. Please advise when Apple will produce documents responsive to these Requests.

Request No. 48: Documents sufficient to show Apple's costs of developing and maintaining FairPlay for each quarter.

Through this request Plaintiffs seek documents sufficient to show or estimate the direct costs of implementing FairPlay, including: (a) software development costs of FairPlay; (b) any system-wide costs needed to make FairPlay work; and (c) costs of instructing customers how to use FairPlay.

Request Nos. 49 and 50: Documents sufficient to show Apple's costs of developing and maintaining the iTS store for each quarter. Documents sufficient to show Apple's costs of advertising the iTS for each quarter.

Through these requests Plaintiffs seek documents sufficient to show the costs of developing (one-time costs), maintaining, and advertising (continuing costs) as well as revenues for the iTS.

Request Nos. 52 & 53: Docs sufficient to show the revenue and costs of iPods for each model for each quarter. Documents sufficient to show the component costs for iPod for each model for each quarter.

Through these requests Plaintiffs seek revenue and costs for each iPod model by quarter, including component costs (e.g., underlying parts, including memory) for each model by quarter.

David Kiernan  
September 20, 2010  
Page 2

Request No. 54: Documents sufficient to show costs to Apple of creating and issuing software updates intended to maintain lack of interoperability.

Through these requests Plaintiffs seek documents that show the costs to Apple for software updates that were designed to maintain interoperability – for example, to foreclose Harmony access, and to address so-called hacks.

Request No. 55: All transaction data between Apple and wholesalers and resellers of iPods from October 2001 to present.

Through this request Plaintiffs seek the dollar and unit sales, and price, by transaction, for each iPod model SKU, to each wholesale/reseller customer, from 2001 to 2010. Plaintiffs need the data back to at least 2001 to establish a “before” period and to the present to establish an “after” period. The data requested would involve actual transaction prices at wholesale, not list prices.

Request No. 56: All contracts between Apple and wholesalers and resellers of iPods from October 2001 to present.

Plaintiffs request these contracts for the period when Apple first sold iPods in 2001 to the present for similar reasons as stated for Request No. 55.

Request No. 57: Documents sufficient to show for each quarter the number of digital audio files available on iTunes.

Apple previously agreed to produce.

Request No. 59: All documents describing/analyzing/comparing the features/functionality/design of each iPod model sold by Apple

Through this request Plaintiffs seek a description of the product characteristics/functionality/design for each iPod model. To the extent this information changes and is available by SKU Plaintiffs request the information in that form.

Request No. 60: All documents analyzing/comparing features of iPods to features of any product with which Apple competes.

Search terms are outstanding as of August 19, 2010. Please provide status update.

Request No. 61: All documents concerning/discussing/describing Apple’s pricing strategies or policies for iPods.

David Kiernan  
September 20, 2010  
Page 3

Through this request Plaintiffs seek to discover any changes in pricing strategies for iPods over time. Accordingly, Plaintiffs request any of Apple's pricing strategies for iPods.


Request No. 62: Documents sufficient to show prices at which iPods were sold to consumers for each model

Through this request Plaintiffs seek documents sufficient to show the posted prices at which the different iPod models were sold by Apple to consumers.

Additionally, back in July, you told us that you would be producing additional technical documents, short of source code (which is still a disputed issue). So far we have received no such documents nor your proposed amendment to the Protective Order to cover the technical documents. Please advise on the status.

Please let us know if you have any questions.

Very truly yours,

  
PAULA M. ROACH

PMR:hsb

cc: Bonny E. Sweeney (via email)  
Thomas R. Merrick (via email)  
Robert A. Mittelstaedt (via email)  
Michael T. Scott (via email)