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United States District Court  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

The Apple iPod iTunes Antitrust Litigation      NO. C 05-00037 JW

**ORDER RE. JOINT PROPOSAL  
REGARDING NOTICE PLAN**

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Presently before the Court is the parties’ Joint Proposal Regarding Notice Plan. (hereafter, “Joint Proposal,” Docket Item No. 698.) In their Joint Proposal, the parties contend that dissemination of notice to the class in this case should “be deferred until after the Ninth Circuit rules on Apple’s Rule 23(f) petition for interlocutory review of [the] Court’s November 22, 2011 class-certification decision.”<sup>1</sup> (*Id.* at 2.) In particular, the parties contend that deferral of the dissemination of notice will “avoid the possibility of the Class receiving two conflicting [n]otices,” which will “serv[e] the public interest by avoiding ‘the risk of significantly confusing the class consumers.’”<sup>2</sup>

Upon review, the Court finds good cause to defer the dissemination of notice until after the Ninth Circuit has ruled on Defendant Apple’s Petition. Accordingly, the Court declines to consider

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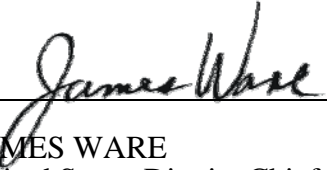
<sup>1</sup> On December 6, 2011, Defendant Apple filed a Petition for Permission to Appeal Order Granting Class Certification pursuant to Fed. R. Civ. P. 23(f) with the Ninth Circuit. (hereafter, “Petition,” Docket Item No. 697.)

<sup>2</sup> (*Id.* (citing Order Granting Defendants’ Motion to Stay Proceedings at 6, Docket Item No. 493 in No. C 07-05152 JW).)

1 the Joint Proposal at this time. If the Ninth Circuit denies the Petition, the parties shall renote the  
2 Joint Proposal within ten days of the Ninth Circuit's ruling.

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Dated: January 12, 2012

  
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JAMES WARE  
United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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**Dated: January 12, 2012**

**Richard W. Wieking, Clerk**

By:           /s/ JW Chambers            
**Susan Imbriani**  
**Courtroom Deputy**