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October 28, 2013

VIA ECF

Honorable District Judge Yvonne Gonzalez Rogers  
United States District Court  
Northern District of California  
Oakland Courthouse, Courtroom 5 - 2nd Floor  
1301 Clay Street  
Oakland, CA 94612

Re: *The Apple iPod iTunes Antitrust Litigation*  
Lead Case No. C-05-00037-YGR

Dear Judge Gonzalez Rogers:

I write on behalf of Class Plaintiffs and Defendant Apple Inc. in the above-named litigation. On October 9, 2013, to accommodate several scheduling conflicts, the parties jointly requested that the Court enter a revised schedule that pushed out all dates about two and half months so that briefing for motions for summary judgment and to exclude experts would be completed in April 2014, instead of January, which is the case under the current schedule. On October 22, 2013 the Court denied without prejudice the request to push out the schedule that far, allowing the parties to submit an amended stipulated proposed schedule. Today, the parties submit a new revised proposed schedule that gives Plaintiffs time to complete their depositions of Apple's experts before serving their rebuttal reports and gives Apple time to draft motions directed at expert testimony, while still ensuring that all briefing is completed by end of January 2014. The parties respectfully request that the Court sign this new schedule. Certain deadlines under the current schedule are set for this week and Plaintiffs believe they will be severely prejudiced should the schedule not be amended.

Counsel for Class Plaintiffs and Apple are available by telephone or otherwise to answer any questions the Court may have or should the Court want to discuss further.

Respectfully submitted,



ALEXANDRA S. BERNAY

cc: All counsel of record (via ECF)

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CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2013, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 28, 2013.

s/ Alexandra S. Bernay

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## Mailing Information for a Case 4:05-cv-00037-YGR

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## Manual Notice List

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- (No manual recipients)