

1 Robert A. Mittelstaedt (State Bar No. 60359)
 ramittelstaedt@JonesDay.com
 2 Craig E. Stewart (State Bar No. 129530)
 cestewart@JonesDay.com
 3 David C. Kiernan (State Bar No. 215335)
 dkiernan@JonesDay.com
 4 Amir Q. Amiri (State Bar No. 271224)
 aamiri@jonesday.com
 5 JONES DAY
 555 California Street, 26th Floor
 6 San Francisco, CA 94104
 Telephone: +1.415.626.3939
 7 Facsimile: +1.415.875.5700

8 Attorneys for Defendant
 APPLE INC.

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 OAKLAND DIVISION

14 **THE APPLE IPOD ITUNES ANTI-
 TRUST LITIGATION**

Case No. C-05-0037 YGR

[CLASS ACTION]

**DECLARATION OF AMIR AMIRI IN
 SUPPORT OF APPLE’S MOTION TO
 EXCLUDE EXPERT TESTIMONY
 OF ROGER F. NOLL AND FOR
 SUMMARY JUDGMENT**

21 I, Amir Q. Amiri, declare as follows:

22 1. I am an associate in the law firm of Jones Day, located at 555 California Street,
 23 26th Floor, San Francisco, CA 94104. I am a member in good standing of the State Bar of
 24 California and represent Apple Inc. in this case. I make this declaration in support of Apple’s
 25 Motion to Exclude Expert Testimony of Roger G. Noll and for Summary Judgment. I have
 26 personal knowledge of the facts set forth herein.
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1 2. Attached hereto as **Exhibit 1** is a true and correct copy of Thomas O. Barnett,
2 Interoperability between Antitrust and Intellectual Property, Sept. 13, 2006,
3 <http://www.usdoj.gov/atr/public/speeches/218316.htm>, printed on December 16, 2013.

4 3. Attached hereto as **Exhibit 2** is a true and correct copy of Peter Lewis, *Product of*
5 *the Year Apple iTunes Music Store*, Dec. 22, 2003, [http://money.cnn.com/magazines/fortune/](http://money.cnn.com/magazines/fortune/fortune_archive/2003/12/22/356108/)
6 [fortune_archive/2003/12/22/356108/](http://money.cnn.com/magazines/fortune/fortune_archive/2003/12/22/356108/), printed on December 16, 2013.

7 4. Attached as **Exhibit 3** is a true and correct copy of the Expert Report of Kevin M.
8 Murphy, Ph.D., with revised exhibits, dated August 19, 2013. Dr. Murphy is Apple's retained
9 expert in this matter. This document is maintained by Jones Day in its files in the ordinary course
10 of business.

11 5. Attached as **Exhibit 4** is a true and correct copy of the Expert Report of Robert H.
12 Topel, Ph.D., with revised exhibits, dated August 19, 2013. Dr. Topel is Apple's retained expert
13 in this matter. This document is maintained by Jones Day in its files in the ordinary course of
14 business.

15 6. Attached as **Exhibit 5** is a true and correct copy of the Expert Report of John P.J.
16 Kelly, Ph.D., dated July 19, 2013. Dr. Kelly is Apple's retained expert in this matter. This
17 document is maintained by Jones Day in its files in the ordinary course of business.

18 7. Attached as **Exhibit 6** is a true and correct copy of the Declaration of Roger G.
19 Noll, Ph.D. on Liability and Damages, served April 3, 2013. This document is maintained by
20 Jones Day in its files in the ordinary course of business.

21 8. Attached as **Exhibit 7** is a true and correct copy of the Corrections to Declaration
22 of Roger G. Noll, Ph.D. on Liability and Damages, served May 31, 2013. This document is
23 maintained by Jones Day in its files in the ordinary course of business.

24 9. Attached as **Exhibit 8** is a true and correct copy of the Rebuttal Declaration of
25 Roger G. Noll, Ph.D. on Liability and Damages, served November 25, 2013. This document is
26 maintained by Jones Day in its files in the ordinary course of business.

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1 10. Attached as **Exhibit 9** is a true and correct copy of portions of the transcript of the
2 deposition of Roger G. Noll, Ph.D. conducted April 7, 2011. The full transcript is maintained by
3 Jones Day in its files in the ordinary course of business.

4 11. Attached as **Exhibit 10** is a true and correct copy of portions of the transcript of
5 the deposition of Roger G. Noll, Ph.D. conducted May 16, 2013. The full transcript is maintained
6 by Jones Day in its files in the ordinary course of business.

7 12. Attached as **Exhibit 11** is a true and correct copy of portions of the transcript of
8 the deposition of Roger G. Noll, Ph.D. conducted December 18, 2013. The full transcript is
9 maintained by Jones Day in its files in the ordinary course of business.

10 13. Attached hereto as **Exhibit 12** is a true and correct copy of Apple Press Release,
11 *Apple Announces iTunes 7 with Amazing New Features*, Sept. 12, 2006, [http://www.apple.com/
12 pr/library/2006/09/12Apple-Announces-iTunes-7-with-Amazing-New-Features.html](http://www.apple.com/pr/library/2006/09/12Apple-Announces-iTunes-7-with-Amazing-New-Features.html), printed on
13 December 18, 2013.

14 14. Attached as **Exhibit 13** is a true and correct copy of portions of the transcript of
15 the deposition of Arthur Rangel conducted December 17, 2010. The full transcript is maintained
16 by Jones Day in its files in the ordinary course of business.

17 15. Attached as **Exhibit 14** is a true and correct copy of the Reply Report of Kevin M.
18 Murphy & Robert H. Topel, dated December 20, 2013. This document is maintained by Jones
19 Day in its files in the ordinary course of business.

20 16. Attached as **Exhibits 15, 16, and 17** are true and correct copies of Apple's Price
21 Committee documents, Bates stamped Apple_AIIA_B_000150, Apple_AIIA00979463, and
22 Apple_AIIA01276016, respectively. These documents were produced to plaintiffs during the
23 course of this litigation and are maintained by Jones Day in its files in the ordinary course of
24 business.

25 17. Attached as **Exhibit 18** is a true and correct copy of portions of the transcript of
26 the deposition of Mark Donnelly conducted December 20, 2010. The full transcript is maintained
27 by Jones Day in its files in the ordinary course of business.

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1 18. Attached as **Exhibits 19** is a true and correct copy of the iTunes 7.0 PPR, Bates
2 stamped Apple_AIIA00231322. This document was produced to plaintiffs during the course of
3 this litigation and is maintained by Jones Day in its files in the ordinary course of business.

4 Executed this 20th day of December, 2013 in San Francisco, CA.

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6 SFI-846660v2

7 /S/ Amir Q. Amiri
8 Amir Q. Amiri
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