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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 05-00037 YGR

[CLASS ACTION]

**DECLARATION OF AMIR Q. AMIRI IN  
 SUPPORT OF APPLE INC.'S  
 RESPONSE TO PLAINTIFFS'  
 ADMINISTRATIVE MOTION TO SEAL**

20 1. I am an associate in the law firm of Jones Day, located at 555 California Street,  
 21 26th Floor, San Francisco, CA 94104. I submit this declaration in support of Apple's Response  
 22 to Plaintiffs' Administrative Motion for Leave to File Plaintiffs' Motion to Strike the  
 23 Supplemental Report of Kevin M. Murphy and Robert H. Topel, Dated December 20, 2013  
 24 Under Seal. (ECF No. 750). The facts stated in this declaration are true and based upon my own  
 25 personal knowledge, and if called to testify to them, I would competently do so.

26 2. The relief requested in Apple's response in support of Plaintiffs' Administrative  
 27 Motion and the proposed order provided to the court is necessary and narrowly tailored to protect  
 28 Apple's confidential technological information. A portion of Plaintiffs' brief in support of the

1 motion to strike contains sensitive information relating to Apple's FairPlay digital rights  
2 management (DRM) technology and updates to that technology. This Court has sealed  
3 information relating to this subject matter in the past. *See, e.g.*, ECF Nos. 340, 527.

4 3. Attached as **Exhibit 1** is a true and correct copy of the Declaration of Jeffrey  
5 Robbin filed January 22, 2010, ECF No. 328.

6 Executed this 17th day of January, 2014 in San Francisco, California.

7 /s/Amir Q. Amiri  
8 Amir Q. Amiri

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# **Exhibit 1**

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APPLE INC.  
9

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION  
13

14 THE APPLE IPOD iTUNES ANTI-TRUST  
LITIGATION.

Case No. C 05-00037 JW (HRL)  
C 06-04457 JW (HRL)

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**DECLARATION OF JEFFREY  
ROBBIN IN SUPPORT OF APPLE'S  
ADMINISTRATIVE MOTION TO  
SEAL**

20 I, Jeffrey Robbin, declare as follows:

21 1. I am the Vice President of iTunes and Apple TV Engineering at Apple. I make  
22 this declaration in support of Apple's Administrative Motion To File Under Seal. The facts stated  
23 in this declaration are true and based upon my own personal knowledge and, if called to testify to  
24 them, I would competently do so.

25 2. Apple's Motion to Dismiss or, Alternatively, Motion for Summary Judgment, and  
26 the Declaration of Jeffrey Robbin in support thereof, contain highly confidential and  
27 commercially sensitive business information, including confidential details of Apple's FairPlay  
28 digital rights management (DRM) technology and updates to that technology, confidential

1 contract terms, and confidential communications between Apple and record labels regarding the  
2 distribution of music through the iTunes Store and Apple's FairPlay DRM technology. Apple  
3 keeps this information highly confidential and does not publicly disclose it.

4 3. Apple's FairPlay technology is a highly protected trade secret, and Apple uses  
5 physical and electronic controls to protect it. The efficacy of FairPlay is dependent on the  
6 confidentiality of information regarding its operation and maintenance. Only a few Apple  
7 employees have access to and work on FairPlay, and they work in restricted areas. Information  
8 regarding FairPlay is non-public, proprietary information from a public company that should  
9 remain confidential. Harm to Apple would result from the public disclosure of the information.

10 4. Apple's contracts with record labels, which include information regarding the  
11 manner in which FairPlay protects music sold through the iTunes Store, are subject to  
12 confidentiality provisions and have not been disclosed outside of Apple except to plaintiffs  
13 pursuant to the Stipulation and Protective Order Regarding Confidential Information entered June  
14 13, 2007 ("Protective Order," Doc. 112). Similarly, Apple's communications with the record  
15 labels regarding FairPlay's operation and the distribution of music through Apple's iTunes Store  
16 are kept highly confidential and have not been disclosed outside of Apple except to plaintiffs  
17 pursuant to the Protective Order. This information is non-public information from a public  
18 company that should remain confidential. Harm to Apple would result from the public disclosure  
19 of this highly confidential information. For example, the disclosure of confidential contract terms  
20 and communications regarding those terms would adversely impact Apple's bargaining position  
21 in future dealings with current and potential business partners.

22 I declare under penalty of perjury under the laws of the United States and the State of  
23 California that the foregoing is true and correct.

24 Executed this 11 day of February, 2010 in Cupertino, California.

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26 \_\_\_\_\_  
27 Jeffrey Robbin  
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