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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 DAVID C.
 KIERNAN IN SUPPORT OF APPLE
 INC.'S ADMINISTRATIVE MOTION TO
 SEAL ITS OPPOSITION BRIEF AND
 EXHIBITS TO PLAINTIFFS' MOTION
 TO STRIKE (ECF NO. 750)**

22 1. I am a partner in the law firm of Jones Day, located at 555 California Street, 26th
 23 Floor, San Francisco, CA 94104. I submit this declaration in support of Apple's Administrative
 24 Motion to Seal its Brief and Exhibits filed in Opposition to Plaintiffs' Motion to Strike the
 25 Supplemental Report of Kevin Murphy and Robert Topel (ECF No. 750). The facts stated in this
 26 declaration are true and based upon my own personal knowledge, and if called to testify to them, I
 27 would competently do so.

28 2. The relief requested in Apple's Administrative Motion is necessary and narrowly

1 tailored to protect Apple's confidential business information. Portions of Apple's opposition
2 brief summarize, paraphrase, or otherwise relate to the expert reports filed, and expert depositions
3 taken, in this matter. These expert materials contain highly confidential and commercially
4 sensitive business information, including, among other things, confidential details of iPod and
5 iTunes Store sales and market research and details of Apple's FairPlay digital rights management
6 technology (as well as updates to that technology). Apple disclosed this information pursuant to
7 the Protective Order in this case, keeps this information highly confidential, and does not disclose
8 it to the public. As demonstrated in the attached declarations, the disclosure of this information
9 would harm Apple.

10 3. Motions to seal similar information have been granted previously in this case. *See*,
11 *e.g.*, ECF Nos. 184, 247, 291, 336, 340, 353, 422, 527. Further, the expert reports discussed in
12 Apple's opposition brief are the subject of currently pending motions to seal. *See* ECF Nos. 740
13 and 751.

14 4. Attached as Exhibit 1 is a true and correct copy of the Declaration of Eddy Cue
15 filed January 22, 2010, ECF No. 318.

16 5. Attached as Exhibit 2 is a true and correct copy of the Declaration of Jeffrey
17 Robbin filed January 22, 2010, ECF No. 328.

18 Executed this 27th day of January, 2014 in San Francisco, California.

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20 /s/David C. Kiernan

21 David C. Kiernan
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