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13 Plaintiffs' Interim Lead Counsel

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 15 UNITED STATES DISTRICT COURT
 16 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 17 SAN JOSE DIVISION
 18

19 IN RE APPLE & AT&TM ANTITRUST) Master File No. C 07-05152 JW
 LITIGATION)
 20)
 21) **STIPULATION AND [PROPOSED]**
) **ORDER EXTENDING DEADLINES**
 22) **RELATED TO PLAINTIFFS' MOTION**
) **FOR CLASS CERTIFICATION**
 23)
)
 24) CRTRM: 8
) JUDGE: Hon. James Ware
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1 WHEREAS, the parties moved jointly on August 14, 2009 to extend the class certification
2 discovery schedule and to adjourn the class certification motion hearing date from December 7,
3 2009 to June 2010 [Docket Nos. 197-198] and on August 20, the Court granted the joint motion in
4 part and rescheduled the class certification hearing from December 7, 2009 to March 22, 2010
5 [Docket No. 199];

6 WHEREAS, On October 7, 2009, Plaintiffs moved for an order enlarging the class
7 certification discovery and briefing schedule [Docket No. 207], and on October 16, 2009, the
8 Court granted Plaintiffs' motion and extended Plaintiffs' deadline for filing their motion for class
9 certification to January 8, 2010, moved the class certification hearing to April 26, 2010, and set the
10 deadline for any motions pertaining to class discovery disputes for December 11, 2009 [Docket
11 No. 211];

12 WHEREAS, in the meantime, counsel for Plaintiffs and Defendant Apple, Inc. ("Apple")
13 have been meeting and conferring about Plaintiffs' requests for production, including the
14 production of computer source code for iPhone Operating System version 1.1.1 ("Version 1.1.1");

15 WHEREAS, Plaintiffs filed a Motion for an Order Compelling Apple to Produce
16 Documents, Including iPhone Source Code on November 18, 2009;

17 WHEREAS, on December 11, 2009, Plaintiffs and Apple resolved their discovery dispute
18 surrounding production of that portion of Version 1.1.1 in Apple's possession (versus in
19 possession of third-party Infineon Technologies North America Corp. (IFNA));

20 WHEREAS, Plaintiffs also served IFNA with a subpoena to produce documents and
21 source code for the baseband firmware portion of Version 1.1.1 on November 11, 2009, to which
22 IFNA served objections on November 23, 2009;

23 WHEREAS, counsel for Plaintiffs and counsel for third-party Infineon are currently
24 meeting and conferring in an effort to resolve the discovery dispute without the need for the
25 Court's intervention;

26 WHEREAS, Apple produced for inspection by Plaintiffs' computer expert a limited
27 portion of Version 1.1.1 source code on December 10, 2009;

1 WHEREAS, Plaintiffs' computer expert's time is committed in another case, which will
2 prevent him reviewing additional source code until on or after December 29, 2009;

3 WHEREAS, Plaintiffs and Apple have agreed to hold the 30(b)(6) deposition of Apple
4 concerning Version 1.1.1 after Plaintiffs' expert has had an opportunity to review the source code
5 for Version 1.1.1;

6 WHEREAS, as late as December 10, 2009 defendants received certain documents from
7 plaintiffs in response to defendants' various requests for production, and the parties are continuing
8 to meet and confer regarding this;

9 THEREFORE, the parties hereby stipulate to extend the remaining deadlines related to
10 Plaintiffs' motion for class certification by approximately two weeks, subject to the Court's
11 approval, as follows:

12 1. Any motions pertaining to outstanding discovery disputes related to iPhone source
13 code or Plaintiffs' production of documents shall be due on Monday, December 28, 2009;

14 2. Plaintiffs shall file their motion for class certification on or before January 22,
15 2009;

16 3. Defendants shall file their opposition to Plaintiffs' motion for class certification on
17 or before March 16, 2009;

18 4. Plaintiffs shall file their reply to their motion for class certification on or before
19 April 19, 2009;

20 5. The hearing on Plaintiffs' motion for class certification shall be held on May 10,
21 2009 at 9:00 a.m., or at the Court's earliest convenience thereafter.

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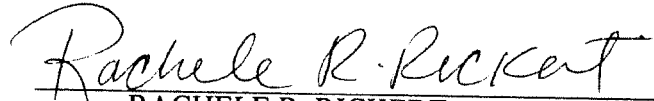
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1 DATED: December 11, 2009

2 Respectfully Submitted,
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STIPULATION AND [PROPOSED] ORDER EXTENDING DEADLINES RELATED TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION - Master File No. C 07-05152 JW

1 DATED: December 11, 2009

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14 DATED: December 11, 2009

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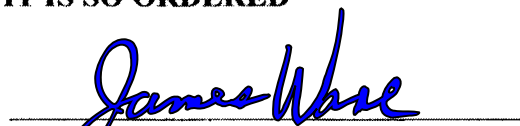
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Counsel for Defendant Apple Inc.

24 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

26 DATED: December 16, 2009



HONORABLE JAMES WARE
UNITED STATES DISTRICT COURT

28 APPLE:17330.STIP

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