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 8 APPLE INC.

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

13 REUBEN BERENBLAT, ANDREW
 14 PERSONETTE, EARL C. SIMPSON, LAURA
 MILLER, On behalf of themselves and all others
 15 similarly situated,

16 Plaintiffs,

17 v.

18 APPLE INC.,

19 Defendant.

20 THOMAS WAGNER, SCOTT MEYERS, On
 behalf of themselves and all others similarly
 21 situated,

22 Plaintiffs,

23 v.

24 APPLE INC.,

25 Defendant.

Case No. C-08-04969 JF
 Case No. C-09-01649 JF

**DECLARATION OF ALEXEI
 KLESTOFF IN SUPPORT OF
 APPLE INC.'S MOTION TO
 DISMISS THIRD AMENDED
 COMPLAINT**

Date: September 24, 2010
 Time: 9:00 am
 Courtroom: 3

