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14 Attorneys for Defendant
 15 APPLE INC., a California corporation

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

19 In re iPhone Application Litigation

Case No. CV 10-5878 LHK (PSG)

**NOTICE OF PENDENCY OF OTHER
 ACTION OR PROCEEDING**

Honorable Lucy H. Koh

1 Pursuant to Local Rule 3-13, Defendant Apple Inc. (“Apple”) submits this Notice of
2 Pendency of Other Action or Proceeding to give notice of the following action: *Burke, et al. v.*
3 *Apple Inc., et al.*, Case No. 11-cv-01855-JEO, filed June 1, 2011 in the United States District
4 Court for the Northern District of Alabama.

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6 The action is a putative class action purportedly brought on behalf a class of users of
7 iPhone and iPad devices (“iDevices”) throughout the United States. Apple is named as a
8 defendant, and the plaintiff seeks to recover for alleged violations of privacy rights based on
9 supposed access of users’ iDevices by applications that can be downloaded by users from Apple’s
10 App Store and the alleged capture and storage of location data on iDevices.

11 The action is related to these Consolidated Actions. The action contains claims that
12 overlap with the claims alleged in the Consolidated Complaint,¹ and calls for determination of
13 multiple questions of fact and law that will be the same or substantially similar. In particular, the
14 action involves allegations that certain software applications capture and abuse personal
15 identifying information of iDevice users and allegations that Apple captures and stores user
16 location information on iDevices. Apple is a defendant in the *Burke* action and the Consolidated
17 Actions. The alleged capture of iDevice user information or storage of location information is
18 claimed in the actions to constitute violations of various statutes and common law principles
19 concerning personal privacy and consumer protection.
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28 ¹ See Plaintiffs’ First Amended Complaint (Docket No. 71).

1 For the foregoing reasons, Apple has made a motion to the Judicial Panel on Multidistrict
2 Litigation suggesting that coordinated or consolidated pretrial proceedings for Multidistrict
3 Litigation, pursuant to 28 U.S.C. § 1407, or other coordination would be appropriate to avoid
4 conflicts, conserve resources, and promote an efficient determination of the actions, and is adding
5 the above-noted action to that pending motion.²

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Dated: June 6, 2011

HOGAN LOVELLS US LLP

By: /s/ Michael L. Charlson

Michael L. Charlson

Attorneys for Defendant
APPLE INC., a California corporation

² Concurrent with this Notice, Apple is filing a Notice of Related Actions with the United States Judicial Panel on Multidistrict Litigation notifying the Panel that the *Burke* action is a related action subject to Apple's pending Motion to Transfer proceedings to the United States District Court for the Northern District of California pursuant to 18 U.S.C. § 1407 for coordinated or consolidated pretrial treatment (MDL No. 2250).