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16 Attorneys for Defendant
 17 APPLE INC., a California corporation

18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA
 20 SAN JOSE DIVISION

21 In re iPhone Application Litigation

22 Case No. CV 10-5878 LHK (PSG)

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

25 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: *Boswell v. Apple*
3 *Inc.*, Case No. 11-cv-80658-KAM, filed June 3, 2011 in the United States District Court for the
4 Southern District of Florida.

5 The action is a putative class action purportedly brought on behalf a class of users of
6 iPhone and iPad devices (“iDevices”) throughout the United States. Apple is named as a
7 defendant, and the plaintiff seeks to recover for alleged violations of privacy rights based on the
8 alleged capture and storage of location data on iDevices.
9

10 The action is related to these Consolidated Actions. The action contains claims that
11 overlap with the claims alleged in the Consolidated Complaint,¹ and calls for determination of
12 multiple questions of fact and law that will be the same or substantially similar. In particular, the
13 action involves allegations that Apple captures and stores user location information on iDevices.
14 Apple is a defendant in the *Boswell* action and the Consolidated Actions. The alleged storage of
15 location information is claimed in the actions to constitute a violation of various statutes and
16 common law principles concerning personal privacy and consumer protection.
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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 8, 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 *Boswell* 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).