

# EXHIBIT B

Andrei Rado  
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March 18, 2011

**VIA EMAIL AND FIRST CLASS U.S. MAIL**

Mr. Michael L. Charlson  
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Re: *In re iPhone Application Litigation*, No. CV-10-5878-LHK

Dear Counsel:

We represent Plaintiff Anthony Chiu in the above-referenced consolidated action. We write to remind your client, Apple, Inc. (“Apple”), of its obligation to preserve all documents, tangible things, and electronically stored information (“ESI”) relevant to this litigation. Although we presume that at the outset of this litigation you promptly instructed Apple as to its preservation obligations, and that you have taken steps to ensure that your client is complying with those obligations, this letter is sent to remind you and your client that failure to comply with these preservation obligations can have serious consequences to the outcome of the case, which could be actionable.

As you know, your client is required to preserve potentially relevant material, which includes ESI concerning, without limitation, the events and causes of action described in the complaints filed in the above-referenced litigation, which includes: marketing and advertising of Apple’s iPhone, iPad, and iPod products (“iOS devices”), and the applications used on any of these iOS devices; investigations and complaints regarding privacy concerns relating to any of

these iOS devices; any communications concerning any proposed or actual changes to Apple's Terms and Privacy Policies during the Relevant Time Period;<sup>1</sup> communications and agreements with third-party advertisers and online tracking companies; Apple's internal practices relating to customer privacy, and the protection and use of the personal information of its customers, whether classified as personally identifiable information or non-personally identifiable information; Apple's current and past web pages, including all web pages from all websites controlled by Apple, and all forums on Apple's websites controlled by Apple. Apple also is required to preserve all relevant material, including ESI, concerning any claims or defenses Apple may assert in this case.

Please confirm by March 25, 2011, that Apple has taken the steps required to preserve ESI and tangible documents and other things potentially relevant to this action. In addition, please forward a copy of this letter to all persons and entities with custodial responsibilities for the items referred to in this letter to help ensure that Apple complies with its obligation to preserve all discoverable material.

Your cooperation in this matter is appreciated.

Very truly yours,



Andrei V. Rado

AR: amv

cc: Sanford P. Dumain, Esq.  
Peter E. Seidman, Esq.  
Jeff S. Westerman, Esq.  
Sabrina S. Kim, Esq.  
Michael Reese, Esq.  
Kim Richman, Esq.

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<sup>1</sup> "Relevant Time Period" refers to the period beginning July 10, 2008, through and including the date of trial in this litigation. If a document prepared before this period is necessary for a correct or complete understanding of any document relevant to this litigation, you must preserve the earlier document as well.



March 21, 2011

**Via Electronic Mail and U.S. Mail**

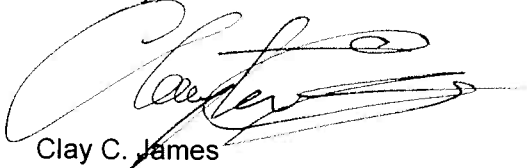
Andrei Rado, Esq.  
Milberg LLP  
One Pennsylvania Plaza  
49th Floor  
New York, NY 10119

**Re: *In re iPhone Application Litigation*, No. CV-10-5878 LHK (PSG) (N.D. Cal.)**

Dear Mr. Rado:

Thank you for your letter of March 18, 2011 regarding your interpretation of our client Apple Inc.'s ("Apple") obligation to preserve documents and electronically stored information relevant to the above-captioned litigation. As you presumed, Apple is aware of its legal obligations and has taken appropriate steps in accordance with those obligations. We trust your clients have done the same.

Sincerely,



Clay C. James

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cc: Christopher Wolf, Esq.  
Michael L. Charlson, Esq.  
Scott A. Kamber, Esq.  
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