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

NOTICE OF PENDENCY OF OTHER ACTION

The Honorable Lucy H. Koh

1 Pursuant to Local Rule 3-13, Defendant Apple Inc., a California corporation (“Apple”),
2 submits this Notice of Pendency of Other Action to give notice of the following action: *Natasha*
3 *Acosta and Dolma Acevedo-Crespo, individually, and on behalf of all others similarly situated,*
4 *Plaintiffs, v. Apple, Inc., et al., Defendants*, Case No. 11-CV-01326-JAF, pending in U.S. District
5 Court for the District of Puerto Rico, filed on April 7, 2011.¹

6 The *Acosta* action is a putative class action purportedly brought on behalf of iPhone and
7 iPad users in the United States. The defendants are Apple and other parties alleged to be makers
8 of applications that work on iPhones and iPads. The plaintiff class seeks to recover damages for
9 alleged interception and transmission to third party advertisers of users’ personally identifying
10 information by applications that can be downloaded by users from Apple’s App Store.

11 The actions all arise from the same or substantially identical transactions, happenings or
12 events, and call for determination of the same or substantially identical questions and fact, and
13 related questions of law. In particular, all the actions involve allegations that certain applications
14 that can be downloaded by users to work on iPhone or iPad devices capture and abuse personal
15 identifying information of iPhone and iPad users by transmitting information from the Unique
16 Device Identifier (“UDID”) associated with each device. Although the group of defendants in
17 each action differs somewhat, Apple is a defendant in all the actions, and the other named
18 defendants are alleged to be developers of various iPhone and iPad applications and their
19 affiliates. The alleged capture and abuse of user information from the devices’ UDID’s is
20 claimed in all the actions to constitute violations of various statutes and common law principles
21 concerning personal privacy and consumer protection.

22 For the foregoing reasons, coordinated pretrial proceedings for Multidistrict Litigation,
23 pursuant to 28 U.S.C. § 1407, or other coordination is appropriate to avoid conflicts, conserve
24 resources, and promote an efficient determination of the actions. Hence, Apple is seeking an
25 order from the Judicial Panel on Multidistrict Litigation transferring the *Acosta* action and the
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27 _____
28 ¹ A copy of the *Acosta* Complaint is attached as Exhibit A. Apple has not yet been served with
the Complaint.

1 *Thompson* action currently pending in U.S. District Court for the Western District of Arkansas² to
2 this Court for coordinated or consolidated pretrial proceedings.

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Dated: April 14, 2011

HOGAN LOVELLS US LLP

By: /s/ Michael L. Charlson
Michael L. Charlson

Attorneys for Defendant
APPLE INC., a California corporation

² Apple filed a Notice of Pendency of Other Action or Proceeding on February 23, 2011 (Dkt. No. 30) to advise the Court of the *Thompson* action.