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Attorneys for Defendant  
Apple Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

**NANCY ROMINE MINKLER,**  
Individually and on Behalf of All Others  
Similarly Situated,

Plaintiffs,

v.

**APPLE INC.,**

Defendant.

CASE NO. 5:13-cv-05332-EJD

**DECLARATION OF SCOTT MAIER IN  
SUPPORT OF DEFENDANT APPLE  
INC.'S MOTION TO DISMISS  
COMPLAINT**

**(FEDERAL RULES OF CIVIL  
PROCEDURE RULES 12(B)(6) AND 9(B))**

**DATE: JULY 18, 2014**

**TIME: 9:00 A.M.**

**COURTROOM: 4**

1 I, Scott Maier, hereby declare as follows:

2 1. I am Manager of the Infrastructure team for Interactive at Apple Inc. (“Apple”). I  
3 submit this declaration in support of Apple’s Motion to Dismiss Plaintiff’s Complaint. I have  
4 personal knowledge of the facts set forth in this declaration and could testify competently to  
5 them.

6 2. I have been Manager of the Infrastructure team for Interactive for Apple since May  
7 2012. As Manager of the Infrastructure team for Interactive, I am familiar with the operations  
8 and content of Apple’s website, [www.apple.com](http://www.apple.com).

9 3. Attached to this declaration as **Exhibit 1 (a-b)** are true and correct copies of the  
10 one-year hardware warranty for iPhone 5 (“Hardware Warranty”), which have been available on  
11 Apple’s website since September 12, 2012. **Exhibit 1(a)** is a true and correct copy of the  
12 Hardware Warranty effective from September 12, 2012 through March 27, 2013. **Exhibit 1(b)** is  
13 a true and correct copy of the Hardware Warranty effective from March 28, 2013 to present.

14 4. Attached to this declaration as **Exhibit 2** is a true and correct copy of the English  
15 language version of the software license agreement for iPhone 5’s operating system, iOS 6.0  
16 (“Software License Agreement”), which has been available on Apple’s website since August 10,  
17 2012.

18 5. Attached to this declaration as **Exhibit 3 (a-d)** are true and correct copies of the  
19 customer privacy policy related to Apple’s products, including the iPhone 5 (“Privacy Policy”),  
20 which have been available on Apple’s website since May 24, 2012. **Exhibit 3(a)** is a true and  
21 correct copy of the Privacy Policy effective from May 24, 2012 through December 31, 2012.  
22 **Exhibit 3(b)** is a true and correct copy of the Privacy Policy effective from January 1, 2013 to  
23 April 1, 2013. **Exhibit 3(c)** is a true and correct copy of the Privacy Policy effective from April  
24 2, 2013 through August 1, 2013. **Exhibit 3(d)** is a true and correct copy of the Privacy Policy  
25 effective from August 2, 2013 to present.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and this declaration is executed on March 3, 2014, in Cupertino, California.



\_\_\_\_\_  
Scott Maier