

# EXHIBIT B

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 07-61395 CIV ZLOCH/SNOW

FREDRICK BLACK,

Plaintiff

v.

APPLE, INC., a  
foreign corporation,

Defendant.

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**DECLARATION OF ANDY HODGE IN SUPPORT OF DEFENDANT APPLE INC.'S  
MOTION TO TRANSFER OR, IN THE ALTERNATIVE, STAY ALL PROCEEDINGS**

I, Andy Hodge, hereby declare as follows:

1. I have been employed with Apple Inc. (Apple) since June 2001. I work for Apple in Cupertino, California and presently hold the position Director of Program Development, iPod Division. I make the statements in this declaration based upon my personal knowledge and corporate records maintained by Apple in the ordinary course of business. If called upon to do so, I could and would testify thereto under oath.

2. The potential witnesses referred to or identified within this declaration work on or support the products sold in the United States and at issue in this case. These potential witnesses are all based in Apple's Cupertino offices.

3. Apple's United States operations concerning the development and operation of the iPod, iTunes and iTunes Store, marketing and sales of the iPod and iTunes products, the creation and use of Apple's digital rights management ("DRM") system, and licensing decisions related to DRM used on the iPod and iTunes Store are headquartered in Cupertino, California.

4. Employees involved in the development, engineering, marketing, analysis and business decisions related to the iTunes Store work within the iTunes, iTunes Marketing and Finance groups at Apple.

5. The most likely witnesses on the development, operation, marketing, sales and business decisions related to the iTunes Store will be Eddy Cue, Vice President, iTunes, Chris Bell, Director, iTunes Marketing and members of their teams who are located in Cupertino, California.

6. Employees involved in the development, use and business decisions related to Apple's DRM used on the iPod and iTunes Store work within Consumer Applications, iTunes and the iPod Division at Apple.

7. The most likely witnesses on the development, use and business decisions related to Apple's DRM used on the iPod and iTunes Store are Jeffrey Robbin, Vice President, Consumer Applications and members of his team who are located in Cupertino, California.

8. Employees involved in the development, engineering, marketing, analysis and business decisions related to the iPod work within the Special Products Group, the iPod Division, Consumer Applications and Finance groups at Apple.

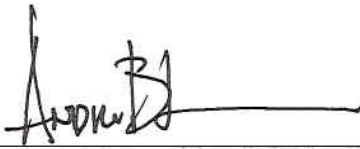
9. The most likely witnesses on the design and development of the iPod will be myself and members of my team who are located in Cupertino, California.

10. The vast majority of documents related to the development and operation of the iPod, iTunes and iTunes Store, marketing and sales of the iPod and iTunes products, the creation and use of Apple's DRM, and licensing decisions related to DRM used on the iPod and iTunes Store would be stored with the individual employees working on those issues or on group servers run out of Apple's facilities in the Cupertino/Bay Area. Archived documents from the Cupertino

and Bay Area Apple facilities are stored with an outside vendor in facilities located near the Apple facilities.

I declare under penalty of perjury under the laws of the United States of America and the laws of the State of California that the foregoing is true and correct.

Dated: October <sup>10</sup>\_\_, 2007

By:   
\_\_\_\_\_  
Andy Hodge

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