

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOSE TRUJILLO, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

APPLE COMPUTER, INC., a California
corporation and AT&T MOBILITY LLC, a
Georgia corporation,

Defendants.

CASE NO.: 07-CV-04946

Judge Kennelly

**DECLARATION OF PEGGY JENSEN IN SUPPORT OF APPLE'S MOTION FOR
SUMMARY JUDGMENT**

I, Peggy Jensen, declare as follows:

1. I am employed by Apple Inc ("Apple") as Worldwide Packaging Manager. In that capacity, my responsibilities have included the product packaging for the iPhone since its introduction. I am familiar with the iPhone box and the in-box materials included with each iPhone. I make this declaration in support of Apple's Motion for Summary Judgment in the above-captioned matter. I have personal knowledge of the facts stated in this declaration and I could and would testify competently to them if called upon to do so.

2. Each iPhone is sold in a box on the outside of which a feature label is affixed.

3. The feature label affixed to the iPhone box states:

Battery has limited recharge cycles and may eventually need to be
replaced by Apple service provider. Battery life and charge cycles vary by
use and settings. See www.apple.com/batteries.

4. The feature label for the iPhone has not changed since the product first went on sale on June 29, 2007. A true and correct copy of the iPhone feature label is attached hereto as Exhibit A.

5. Included within each iPhone box is a paper copy of the "Important Product Information Guide" for iPhone. That guide states:

Never attempt to repair or modify iPhone yourself. iPhone does not contain any user-serviceable parts, except for the SIM card and SIM tray ... The rechargeable battery in iPhone should be replaced only by an Apple Authorized Service Provider. For more information about batteries, go to www.apple.com/batteries.

6. The Important Product Information Guide for iPhone has contained this language at all times since the iPhone first went on sale on June 29, 2007.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed at Cupertino, California on December 5, 2007.

/s/ Peggy Jensen
Peggy Jensen

Declaration of Peggy Jensen

Exhibit A

Includes: iPhone, Stereo Headset with mic, Dock, Dock Connector to USB 2.0 Cable, and USB Power Adapter. Supports quad-band GSM (850/900/1800/1900MHz), Wi-Fi (802.11b/g), EDGE, and Bluetooth 2.0.

Requirements: Minimum new two-year wireless service plan with AT&T required to activate all iPhone features, including iPod features¹ • Mac or PC with USB 2.0 • Mac OS X v10.4.10 or later, Windows XP Home or Professional (SP2), or Windows Vista • iTunes 7.3 or later required for activation and some features (free download from www.apple.com/itunes/download) • iTunes Store account² • Internet access³

¹Credit check required; must be 18 years or older. Service plan with AT&T required for cellular network capabilities on expiration of initial new two-year agreement. Wireless service is solely provided by and is the responsibility of AT&T. Transferring your mobile number will terminate your service with your existing provider; termination fees and other charges may apply. Wireless service and some wireless features are not available in all areas; see www.att.com for service availability. ²Free account signup through iTunes; valid credit card may be required. ³Broadband recommended; fees may apply. Use is subject to Apple and third-party software licenses. Battery has limited recharge cycles and may eventually need to be replaced by Apple service provider. Battery life and charge cycles vary by use and settings. See www.apple.com/batteries. 1GB = 1 billion bytes; actual formatted capacity less. AT&T and the AT&T logo are trademarks of AT&T Knowledge Ventures and/or AT&T affiliated companies.



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PRINT SPECIFICATION

Background prints bleed 4 sides Black

All copy/text knock out to Black

Keyline does not print

Overall matte Film lamination with 70-80% haze rate

Dimensions: 75 mm x 78.75 mm, Radius: None

Materials: 80GSM art paper with overall matte