UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

AVI KOSCHITZKI, On Behalf Of Himself and all Others Similarly Situated,

Plaintiff,

Civil Action No. 08 Civ. 4451 (JBW) (VVP)

٧.

APPLE, INC. and AT&T MOBILITY INC.

Defendants.

NOTICE OF FILING OF MOTION TO TRANSFER PURSUANT TO 28 U.S.C. § 1407

TO THE CLERK OF THIS COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on March 5, 2009, pursuant to 28 U.S.C. § 1407, Apple submitted for filing with the Judicial Panel on Multidistrict Litigation a motion for transfer and consolidation of this and eleven similar actions. Copies of the motion and supporting documents are attached hereto as Exhibits A, B, C, and D.

Defendant Apple Inc. files this Notice pursuant to Rule 5.12(c) of the Rules of the Judicial Panel for the purpose of informing the Court of the pendency of the proceedings before the MDL Panel and will keep the Court informed of further developments.

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Dated: New York, New York March 5, 2009

MORRISON & FOERSTER LLP

/s/ Jamie A. Levitt
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Attorneys for Defendant APPLE INC.

sf-2649277 2

1	CERTIFICATE OF SERVICE BY OVERNIGHT DELIVERY (Fed. R. Civ. Proc. rule 5(b))				
2	I declare that I am employed with the law firm of Morrison & Foerster LLP, whose add				
3					
4	Foerster's practice for collection and processing of correspondence for overnight delivery and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited in a box or other facility regularly maintained by UPS or delivered to an authorized courier or driver authorized by UPS to receive documents on the same				
5 6					
7	I further declare that on the date hereof I served a copy of:				
8	NOTICE OF FILING OF MOTION TO TRANSFER PURSUANT TO 28 U.S.C. § 1407 and CERTIFICATE OF SERVICE				
9	MOTION FOR TRANSFER AND CONSOLIDATION OF RELATED APPLE iPHONE 3G PRODUCTS LITIGATION PURSUANT TO 28 U.S.C. § 1407				
11					
12	MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR TRANSFER AND CONSOLIDATION OF RELATED APPLE IPHONE 3G PRODUCTS LITIGATION				
13	PURSUANT TO 28 U.S.C. § 1407				
14	SEPARATE STATEMENT OF REASONS WHY ORAL ARGUMENT SHOULD BE HEARD IN SUPPORT OF MOTION FOR TRANSFER AND CONSOLIDATION OF				
15	RELATED APPLE iPHONE 3G PRODUCTS LITIGATION PURSUANT TO 28 U.S.C. § 1407				
16	· ·				
17	PROOF OF SERVICE				
18 19	on the following by placing a true copy thereof enclosed in a sealed envelope with delivery fees provided for, addressed as follows for collection by UPS at Morrison & Foerster LLP, 1290 Avenue of the Americas, New York, New York 10104-0012, in accordance with Morrison &				
	Foerster's ordinary business practice.				
20	See attached Service List				
21	I declare under penalty of perjury under the laws of the State of New York that the above is true and correct.				
22	Executed at New York, NY, this 5th day of March, 2009.				
23	1)Noodiod at 11011 Tolli, 1111, this base any of the any				
24					
25					
26	Jamie A. Levitt /s/ Jamie A. Levitt				
27	(typed) (signature)				
28	sf-2652383				

Certificate of Service

Service List

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