

EXHIBIT E

March 22, 2012

Client-Matter: 40229-060

VIA EMAIL

Dale Cendali, Esq.
Kirkland & Ellis LLP
601 Lexington Avenue
New York, New York 10022

Re: *J.T. Colby & Company, Inc. et al v. Apple, Inc.*, Case No. 11-cv-4060

Dear Dale:

In accordance with Judge Forrest's February 27, 2012 order, Plaintiffs' will produce the hard drive belonging to John Colby and J.T. Colby and Company (the "Hard Drive") on March 23, 2012. To protect Plaintiffs' interests in protecting the confidentiality and privilege of the information contained on the Hard Drive we ask that Apple agree to the following conditions prior to receiving the Hard Drive.

First, the production of the Hard Drive shall not be deemed a waiver of Plaintiffs' attorney-client privilege, work-product protection, or any other applicable privilege. When processing the Hard Drive, Apple should have its e-discovery vendor run searches for potentially privileged documents using the following names and terms: Manatt, Phelps and Phillips, Manatt, Alston and Bird, Alston, Bird, Bennet Ashley, Thomas Morrison, Kimo Peluso, Aydin Caginalp, Dean Zipser, Carole Reagan, Nirav Shah, Amy Sheehan and Nicole German. At Apple's request counsel for Plaintiffs will review any or all excluded documents and produce responsive, non-privileged documents from that group. If any privileged documents are processed or reviewed despite these safeguards, such disclosure will constitute an inadvertent production as described in Paragraph 14 of the Protective Order Regarding the Disclosure and Use of Discovery Materials ("Protective Order.") Accordingly, if Apple encounters any documents they believe to be privileged, they shall turn those documents over and agree to destroy such documents at plaintiffs' request.

Second, all information contained on the Hard Drive will be classified as Attorneys' Eyes Only in accordance with Paragraph 9 of the Protective Order. Should Apple wish to contest the classification of any information as Attorneys' Eyes Only, Apple should follow the procedure for such objections set forth in Paragraph 11 of the Protective Order.

Please confirm that these terms are acceptable. Once we have received confirmation we will proceed with delivering the Hard Drive.

Sincerely,



Nicole R. German