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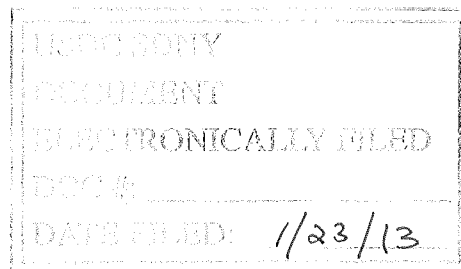
MEMO ENDORSED

Dale M. Cendali
To Call Writer Directly:
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January 11, 2013

By Hand Delivery

Honorable Denise Cote
U.S. District Court, Southern District of New York
500 Pearl Street, Room 1610
New York, NY 10007



Re: *J.T. Colby & Co., Inc., et al. v. Apple Inc.*, No. 11 CIV 4060 (DLC)

Dear Judge Cote:

I am counsel for Defendant Apple Inc. in the above-titled case. Based on our communications with Your Honor's clerk, Lena Hughes, please find enclosed two hard copy sets of Defendant Apple Inc.'s Motion Papers, namely (1) Defendant's Motion for Summary Judgment, (2) Defendant's *Daubert* Motion with regard to Susan Schwartz McDonald, (3) Defendant's *Daubert* Motion with regard to Robert T. Scherer, and (4) Defendant's *Daubert* Motion with regard to Mike Shatzkin, with accompanying documents.

One of the hard copy sets submitted herewith is labeled "Unredacted Courtesy Copy" and is a complete set of Defendant's Motion Papers without redactions. The other copy set, which is labeled "Courtesy Copy with Proposed Redactions," is a complete set of Defendant's Motion Papers with the information that either Apple or Plaintiffs have designated confidential, and request the Court file under seal, highlighted. We have flagged and highlighted the information that Apple requests be filed under seal in yellow, while the information that Plaintiffs request be filed under seal is flagged and highlighted in blue. We have also enclosed a binder labeled "Looseleaf Set of Redacted Pages." In accordance with Rule 4.A of Your Honor's Individual Practices, that binder contains a partial, looseleaf set of solely those pages on which either Apple or Plaintiffs seeks to redact material. (Again, the material that Apple requests be filed under seal is highlighted in yellow, and the material that Plaintiffs request be filed under seal is highlighted in blue.)

In addition, I am writing pursuant to Rule 5.2 of the Electronic Case Filing Rules & Instructions for the Southern District of New York (April 4, 2011 Edition) to request permission to serve and file in hard copy the exhibits attached to the declarations submitted in support of Defendant's motion for summary judgment and in support of its *Daubert* motion with regard to Dr. McDonald, because those exhibits cannot be reasonably scanned for electronic filing. (The exhibits to the *Daubert* motion with regard to Messrs. Scherer and Shatzkin will be scanned and filed electronically.)

Granted
Denise Cote
1/23/13

KIRKLAND & ELLIS LLP

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We thank the Court for its consideration.

Sincerely,

A handwritten signature in cursive script that reads "Dale Cendali". The signature is written in black ink and is positioned to the right of the typed name.

Dale M. Cendali

Enclosures

cc: All Counsel of Record
(enclosing Looseleaf Set of Redacted Pages)