

Apple Inc. is a third-party recipient of a document subpoena in the above-captioned litigation. Parties in this litigation possess highly-sensitive, proprietary business and financial information which has been or may be produced within the litigation pursuant to, and in reliance on, the provisions of the protective order.

Apple understands that the Moving Party, Union Federale des Consommateurs - Que Choisir ("Que Choisir"), seeks an order granting it access to, and the right to use, confidential information produced pursuant to the terms of the protective order by third parties including Apple. Apple objects to any order that would permit Que Choisir to review or use in any way the confidential information of Apple that has or may be produced in this litigation.

Apple supports and hereby joins in the arguments presented in the August 18, 2008, THIRD PARTIES' SUPPLEMENTAL BRIEF IN OPPOSITION TO MOTION OF UNION FEDERALE DES CONSOMMATEURS - QUE CHOISIR TO INTERVENE FOR THE PURPOSE OF SEEKING MODIFICATIONS TO PROTECTIVE ORDER AND APPLICATION PURSUANT TO 28 U.S.C. § 1782. For the reasons articulated therein, Apple respectfully requests that the relief sought by Que Choisir be denied in its entirety.

Respectfully submitted,

Dated: August 21, 2008

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