

RESPONSE TO QUESTION 39

The applicant is not currently a party to any pending court matter in which it has been accused of a felony or in which it faces the possibility of being finally adjudged guilty of monopolization or attempted monopolization of radio communication. Applicant notes, however, that AT&T Mobility, an affiliate of the applicant, is a defendant in one case in which a civil plaintiff has asserted antitrust monopolization and attempted monopolization claims related to radio communication.

In re Apple & AT&TM Antitrust Litigation is pending in the U.S. District Court for the Northern District of California. Plaintiffs, seeking to represent a nationwide class of all iPhone purchasers, allege that the exclusive relationship between AT&T Mobility and Apple regarding the sale of the iPhone and associated wireless service violates Section 2 of the antitrust laws. Plaintiffs' allegations against both Apple and AT&T Mobility include unlawful monopolization and attempted monopolization of, and unlawful conspiracy to monopolize, the so-called "iPhone Voice and Data Services Aftermarket." AT&T Mobility's position is that the claims are meritless.