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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

In re APOLLO GROUP, INC.  
SECURITIES LITIGATION

) Lead Case No. CV 04-2147-PHX-JAT

) CLASS ACTION

) NOTICE OF APPEAL

\_\_\_\_\_  
This Document relates to:

ALL ACTIONS.

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Notice is hereby given that Lead Plaintiff, the Policemen's Annuity and Benefit Fund of Chicago, on behalf of itself and all other members of the certified class who purchased the common stock of Apollo Group, Inc. from February 27, 2004 through September 14, 2004, hereby appeals to the United States Court of Appeals for the Ninth Circuit from the District Court's grant of Defendants' Motion for Judgment as a Matter of Law and resulting entry of final judgment in favor of Defendants and against Lead Plaintiff and the certified class. The District Court's decision is set forth in the minute order of August 4, 2004 (Doc. #560), the Order of August 4, 2004 (Doc. #561), and the Judgment of August 4, 2004 (Doc. # 562).

DATED: August 29, 2008

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 29, 2008, the following document:

**NOTICE OF APPEAL**

was electronically transmitted to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to those registered with the Court:

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I hereby certify that on August 29, 2008, I sent a copy of the attached document via UPS overnight to:

The Hon. James A. Teilborg  
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\_\_\_\_\_  
/s/ Tara R. Burd  
Tara R. Burd