

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

LUXPRO CORPORATION, a Taiwanese corporation,)

Plaintiff,)

v.)

APPLE INC. f/k/a Apple Computer, Inc.,)

Defendant.)

Civil Action No. 4:08-CV-04092-HFB

**DECLARATION OF THOMAS R. LA PERLE IN SUPPORT OF
DEFENDANT APPLE INC.'S MOTION TO DISMISS
THE SECOND AMENDED COMPLAINT**

I, Thomas R. La Perle, declare as follows:

I am an attorney licensed to practice law in the State of California. I am a Director in the Legal Department of Apple Inc. ("Apple"), the defendant in this action. I submit this declaration in support of Apple's motion to dismiss the Second Amended Complaint. I make this declaration based on personal knowledge, except for those matters stated on information and belief. If called as a witness, I would testify to the facts set forth below.

1. Attached as Exhibit 1 hereto is a true and correct copy of a picture showing a first generation Apple iPod shuffle and the "Super Shuffle" sold by Luxpro Corporation.

2. Attached as Exhibit 2 hereto is a true and correct copy of an injunction issued by the Ninth Panel of the Braunschweig Regional Court in Germany on March 14, 2005.

3. Attached as Exhibit 3 hereto is a true and correct copy of a translation of an injunction issued by the Ninth Panel of the Braunschweig Regional Court in Germany on March 14, 2005.

4. Attached as Exhibit 4 hereto is a true and correct copy of an injunction issued by the Regional Court of Shilin in Taiwan on August 18, 2005.

5. Attached as Exhibit 5 hereto is a true and correct copy of the translation of an injunction issued by the Regional Court of Shilin in Taiwan on August 18, 2005.

6. Attached as Exhibit 6 hereto is a true and correct copy of the July 7, 2009 decision of the Taiwan Supreme Court regarding Apple's and Luxpro's respective appeals from Taiwanese lower court decisions referenced in the Second Amended Complaint.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 26, 2010 in Cupertino, California.



Thomas R. La Perle

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system, this 26th day of February, 2010.

s/s Stuart C. Plunkett