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Attorneys for Plaintiff
 7 APPLE COMPUTER, INC.

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

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APPLE COMPUTER, INC.,
 Plaintiff,
 v.
 BURST.COM, INC.,
 Defendant.

Case No. CV 06-00019 MHP

**PROOF OF SERVICE OF SUMMONS,
 COMPLAINT, ETC.**

Dated: February 3, 2006

WEIL, GOTSHAL & MANGES LLP

By: /s/ Nicholas A. Brown
 Nicholas A. Brown
 Attorneys for Plaintiff
 APPLE COMPUTER, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

APPLE COMPUTER, INC.

Filing

SUMMONS IN A CIVIL CASE

v.

CASE NUMBER:

BURST.COM, INC.

ADR
C06 00019 JL

TO: (Name and address of defendant)

Burst.com, Inc.
613 Fourth Street, Suite 201
Santa Rosa, CA 95404

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Matthew D. Powers
Nicholas A. Brown
WEIL, GOTSHAL & MANGES LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065

an answer to the complaint which is herewith served upon you, within twenty days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking
CLERK

DATE JAN 04 2006

Rita Betancourt
(BY) DEPUTY CLERK

RITA BETANCOURT

AFFIDAVIT OF PROCESS SERVER

In The United States District Court in and for Northern District of California

Apple Computer, Inc.
Plaintiff(s)

Case No: C 06 00019 JL

v
Burst.com, Inc.
Defendant(s)

I declare that I am a citizen of the United States, over the age of eighteen and not a party to this action. And that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: I served Burst.com, Inc.

With the (documents) Summons; Civil Cover Sheet; Civil Local Rule 3-16 Certification; Complaint for Declaratory Judgment; Order Setting Initial Case Management Conference and ADR Deadlines; ECF Registration Information Handout; Fee Schedule Summary, etc; and ADR Dispute Resolution Procedures Booklet

Person Served: Scott LaScala of The Corporation Trust Company, Managing Agent

Service Address: The Corporation Trust Company, 1209 N. Orange St., Wilmington, Delaware 19801

Date of Service: January 6, 2006 Time of Service: 1:15 p.m.

- Manner of Service: By personally delivering copies to the person/authorized agent of entity being served.
 By leaving, during office hours, copies at the office of the person/entity being served, leaving same with the person apparently in charge thereof
 By leaving copies at the dwelling house or usual place of abode of the person being served, with a member of the household 18 or older and explaining the general nature of the papers.
 By posting copies in a conspicuous manner to the address of the person/entity being served.

Non-Service: After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

- Unknown at address Evading Moved, left no forwarding Other
 Address does not exist Service canceled by Litigant Unable to serve in a timely fashion

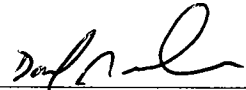
Service Attempts: Service was attempted on _____ at _____, _____ at _____
at _____ at _____ at _____ at _____

Description: Age: 48 Sex: M Race: W Hgt: 5'11" Wgt: 170 Hair: Brown Glasses: Yes

I declare under penalty of perjury that the information contained herein is true and correct and this affidavit was executed on:

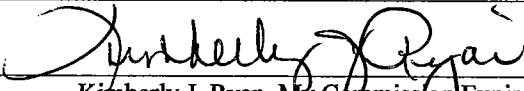
January 9, 2006 at Wilmington, Delaware
Date City State

State of Delaware
County of New Castle


 Daniel Newcomb, Process Server
 Delaware Attorney Services
 2000 Pennsylvania Avenue, Suite 207
 Wilmington, Delaware 19806 (302) 429-0657

Subscribed and sworn before me a Notary Public of the State of Delaware on January 9, 2006

Witness My Hand and Official Seal To



 Kimberly J. Ryan, My Commission Expires 6/15/08
 Notary Public, State of Delaware

KIMBERLY J. RYAN
NOTARY PUBLIC-DELAWARE
 My Commission Expires June 15, 2008