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8 Attorneys for Plaintiff
 APPLE COMPUTER, INC.

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

13 APPLE COMPUTER, INC.,
 14 Plaintiff,
 15 v.
 16 BURST.COM, INC.,
 17 Defendant.

Case No. C 06-0019 MHP

**DECLARATION OF LEERON
 KALAY IN SUPPORT OF APPLE
 COMPUTER, INC.'S MOTION FOR
 SUMMARY JUDGMENT OF
 INVALIDITY**

Date: July 19, 2007
 Time: 2:30 pm
 Hon. Marilyn Hall Patel

Complaint Filed: January 4, 2006
 Trial Date: February 26, 2008

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I, Leeron Kalay, declare:

1. I am a member of the Bar of this Court and an attorney with the law firm of Weil, Gotshal & Manges LLP, counsel of record for Apple Computer, Inc. in the above-captioned matter. I submit this declaration based on personal knowledge and following a reasonable investigation. If called upon as a witness, I could competently testify to the truth of each statement herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of slide number 54 from Burst’s Claim Construction Tutorial presentation, dated February 1, 2007.

3. Attached hereto as **Exhibit B** is a true and correct copy of excerpts from the transcript of the Claim Construction Tutorial, dated February 1, 2007.

4. Attached hereto as **Exhibit C** is a true and correct copy of excerpts from John Bellamy, Digital Telephony (John Wiley & Sons 1991) (1990).

5. Attached hereto as **Exhibit D** is a true and correct copy of an excerpt from N.S. Jayant & Peter Noll, Digital Coding of Waveforms: Principles and Applications to Speech and Video (Prentice-Hall 1984).

6. Attached hereto as **Exhibit E** is a true and correct copy of Ronne, “Transmission Facilities for General Purpose Wideband Services on Analog Carrier Systems, *IEEE Transactions on Communication Technology*,” Vol. Com-14, No. 5, pp. 655-659 (October 1966).

7. Attached hereto as **Exhibit F** is a true and correct copy of U.S. Patent No. 4,974,178, issued to Izeki, et al., November 27, 1990.

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

Executed this 21st day of June 2007, at Redwood Shores, California.

/s/ Leeron Kalay

Leeron Kalay