

1 MATTHEW D. POWERS (Bar No. 104795)
 matthew.powers@weil.com
 2 GARLAND T. STEPHENS (admitted N.D.C.A.,
 Texas Bar No. 24053910)
 3 garland.stephens@weil.com
 NICHOLAS A. BROWN (Bar No. 198210)
 4 nicholas.brown@weil.com
 WEIL, GOTSHAL & MANGES LLP
 5 Silicon Valley Office
 201 Redwood Shores Parkway
 6 Redwood Shores, CA 94065
 Telephone: (650) 802-3000
 7 Facsimile: (650) 802-3100

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

Date: September 10, 2007
 Time: 2:00 p.m.
 Honorable Marilyn Hall Patel

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

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1 I, Leeron Kalay, declare:

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

7 2. Attached hereto as **Exhibit A** is a true and correct copy of excerpts from
8 the transcripts of the deposition of Richard Lang, taken January 8 and 9, 2007.

9 3. Attached hereto as **Exhibit B** is a true and correct copy of U.S. Patent No.
10 4,506,387, issued to Walter on March 19, 1985.

11 4. Attached hereto as **Exhibit C** is a true and correct copy of U.S. Patent No.
12 4,499,568, issued to Gremillet on February 12, 1985.

13 5. Attached hereto as **Exhibit D** is a true and correct copy of U.S. Patent No.
14 4,541,012, issued to Tescher on September 10, 1985.

15 6. Attached hereto as **Exhibit E** is a true and correct copy of U.S. Patent No.
16 4,667,088, issued to Kramer et al. on May 19, 1987.

17 7. Attached hereto as **Exhibit F** is a true and correct copy of U.S. Patent No.
18 4,790,003, issued to Kepley et al. on December 6, 1988.

19 8. Attached hereto as **Exhibit G** is a true and correct copy of Compusonics
20 Corporation's Form 10-K, filed June 15, 1987.

21 9. Attached hereto as **Exhibit H** is a true and correct copy of a Compusonics
22 DSP-2002 system product brochure, copyright 1985.

23 10. Attached hereto as **Exhibit I** is a true and correct copy of The Cambridge
24 Companion to Proust (Richard Bales ed., Cambridge University Press 2001).

25 11. Attached hereto as **Exhibit J** is a true and correct copy of Warren,
26 "Peripheral Storage: Who's Got What," *ESD: The Electronic System Design Magazine*, 18(11):
27 54-63 (Nov. 1988).

28 12. Attached hereto as **Exhibit K** is a true and correct copy of excerpts from

1 the prosecution history of U.S. Patent No. 5,057,932, bearing production numbers APBU236-241.
2 13. Attached hereto as **Exhibit L** is a true and correct copy of U.S. Patent No.
3 5,057,932.

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

6 Executed this 13th day of July, 2007, at Redwood Shores, California.

7 */s/ Leeron Kalay*
8 _____
9 Leeron Kalay

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