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 APPLE COMPUTER, INC.  
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10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12

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

Case No. C 06-0019 MHP  
 DECLARATION OF NICHOLAS V.  
 MARTINI IN SUPPORT OF  
 MISCELLANEOUS ADMINISTRATIVE  
 REQUEST PURSUANT TO CIVIL  
 LOCAL RULES 7-10 AND 79-5 TO  
 SEAL DOCUMENTS

Hon. Marilyn Hall Patel

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

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I, Nicholas V. Martini, 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. The stipulated protective order filed with the Court on September 15, 2006, states in part that parties may designate documents as Confidential Counsel's Eyes Only. The protective order requires that, when so designated, such materials are to be filed with the Court under seal. *Id.* at ¶ 14.

3. Exhibit A, lodged with the Declaration Of Leeron G. Kalay In Support of Apple's Claim Construction Brief has been designated as Confidential Outside Attorneys' Eyes Only by Burst.com.

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

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

WEIL, GOTSHAL & MANGES LLP

By:           /s/ Nicholas V. Martini            
          Nicholas V. Martini