

EXHIBIT 1

Daniel J. Walker

From: nicholas.brown@weil.com
Sent: Friday, June 08, 2007 12:58 PM
To: Floyd G. Short; lpayne@hpcllp.com
Subject: Depositions re Burst's SJ Declarations

Floyd, Les -

As you know, Burst's opposition to Apple's motion for summary judgment relies on declarations from two experts, Dr. Gersho and Dr. Hemami. We would like take a half day deposition of each of those experts prior to filing our reply brief, which is due on June 21. Please let me know if Burst will agree to present Dr. Gersho and/or Dr. Hemami for deposition next week (i.e by Friday, June 15).

If Dr. Gersho and Dr. Hemami are not available for deposition next week, we would like you to agree to a brief extension so that we can depose each of them prior to filing our reply brief.

Please let me know Burst's position on this issue.

Sincerely,

Nick Brown

< END >

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7/16/2007

EXHIBIT 2

Daniel J. Walker

From: Ian B. Crosby
Sent: Saturday, June 16, 2007 9:55 AM
To: nicholas.brown@weil.com
Subject: Re: Burst: Request for Expert Depositions

Nick, our position is unchanged. We will oppose.

Regards,

--

Ian B. Crosby
SUSMAN GODFREY LLP
icrosby@susmangodfrey.com
1201 Third Avenue
Suite 3800
Seattle, Washington 98101
206-516-3861 (tel)/206-516-3883 (fax)

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On 6/15/07 5:26 PM, "nicholas.brown@weil.com" <nicholas.brown@weil.com> wrote:

Ian -

We disagree with your refusal to provide your experts for brief depositions on the subject of their declarations. The Court has set a hearing date that leaves ample time to complete depositions. Accordingly, we will move to strike the declarations of both experts unless you agree to provide the depositions.

Sincerely,

Nick Brown

"Ian B. Crosby" <icrosby@SusmanGodfrey.com> 06-11-07 10:41 AM

To

<nicholas.brown@weil.com>

7/16/2007

cc
Subject

Burst: Request for Expert Depositions

Nick, neither of our experts are available for deposition on such short notice, and you will need to move in any event if you would like to take them prior to expert reports as we will oppose presenting either of them more than once in this case. Not trying to be difficult, but we view the timing of your motion and the decision not to submit your own supporting expert declarations as Apple's strategic choices, and don't agree to alter the ordinary sequence of discovery to accommodate.

Regards,

--Ian Crosby

< END >

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EXHIBIT 3

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July 12, 2007

VIA FIRST CLASS MAIL

Mr. Nicholas A. Brown
Weil, Gotshal & Manges LLP
201 Redwood Shores Pkwy.
Redwood Shores, CA 94065

Re: *Apple Computer, Inc. v. Burst.com, Inc.*, C 06-0019 MHP

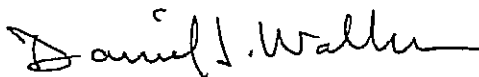
Dear Nick:

Pursuant to paragraph 10 of the stipulated protective order, we are hereby notifying you that we intend to disclose confidential and attorney's eyes only information to Dr. Allen Gersho, who has been retained by Burst.

As required by paragraph 10, I am enclosing a signed Exhibit A to the protective order and a listing of Dr. Gersho's professional work over the past four years. For a copy of Dr. Gersho's *curriculum vitae*, please refer to Exhibit A to Dr. Gersho's Declaration in Support of Burst's Opposition to Apple's Motion for Summary Judgment of Invalidity. Dr. Gersho has not done any work for Apple or Burst in the past.

Please contact me with any questions.

Sincerely,



Daniel J. Walker

Enclosures Signed Ex. A to protective order; Listing of Dr. Gersho's professional work