

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

8 Attorneys for Plaintiff
 APPLE COMPUTER, INC.

9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

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

Case No. 06-CV-00019 MHP

DECLARATION OF NICHOLAS A. BROWN IN SUPPORT OF STIPULATION EXTENDING DEADLINES

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

Hon. Marilyn Hall Patel

1 I, Nicholas A. Brown, declare:

2 1. I am a member of the State Bar of California and a member of the law firm
3 of Weil, Gotshal & Manges LLP, counsel of record for Apple Computer, Inc. in this case. I have
4 personal knowledge of the facts stated in this Declaration, and if called upon, could and would
5 testify competently thereto.

6 2. In accordance with Northern District of California Civil Local Rule 6-2 and
7 7-12, the parties in the above-captioned matter stipulate to extend the deadline of Apple's Brief in
8 Reply to Burst's Opposition to Apple's Second Motion for Summary Judgment of Invalidity ("the
9 reply brief") from September 4, 2007 to September 6, 2007.

10 3. The reason for this short extension is that currently the reply brief will be
11 due immediately after the Labor Day holiday.

12 4. The following are all previous time modifications in this case, whether by
13 stipulation or Court order:

- 14 • D.I. 8, 9 – extending the time for Burst to respond to Apple's complaint from
15 January 26, 2006 to February 17, 2006.
- 16 • D.I. 11, 12 – extending the time for Burst to respond to Apple's complaint
17 from February 17, 2006 to March 20, 2006.
- 18 • D.I. 13 – extending the time for Burst to respond to Apple's complaint from
19 March 20, 2006 to April 19, 2006
- 20 • D.I. 14, 16 – extending case management hearing from April 3, 2006 to May 8,
21 2006.
- 22 • D.I. 49, 51 – extending the time for Apple to respond to Burst's counterclaims
23 from May 11, 2006 to May 18, 2006.
- 24 • D.I. 112, 118 – revising scheduling order.
- 25 • D.I. 139, 140 – extending the hearing for the motions for summary judgment
26 from September 12, 2007 to September 18, 2007.

27 5. Extending the deadline for the reply brief will not have any effect on the
28 remaining schedule for the case.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Executed on August 24, 2007, at Redwood Shores, California.

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

_____/s/_____
Nicholas A. Brown