

1 PARKER C. FOLSE III (WA Bar No. 24895 – *Pro Hac Vice*)  
 pfolse@susmangodfrey.com  
 2 IAN B. CROSBY (WA Bar No. 28461 – *Pro Hac Vice*)  
 icrosby@susmangodfrey.com  
 3 FLOYD G. SHORT (WA Bar No. 21632 – *Pro Hac Vice*)  
 fshort@susmangodfrey.com  
 4 SUSMAN GODFREY, L.L.P.  
 1201 Third Avenue, Suite 3800  
 5 Seattle, Washington 98101-3000  
 6 (206) 516-3880 Tel  
 (206) 516-3883 Fax

7  
 8 SPENCER HOSIE (CA Bar No. 101777)  
 shosie@hosielaw.com  
 9 BRUCE WECKER (CA Bar No. 078530)  
 bwecker@hosielaw.com  
 10 HOSIE McARTHUR LLP  
 One Market, 22nd Floor  
 11 San Francisco, CA 94105  
 (415) 247-6000 Tel.  
 12 (415) 247-6001 Fax

13 Attorneys for Defendant/Counterclaimant  
 14 BURST.COM, INC.

15  
 16 UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO)

18 APPLE COMPUTER, INC.,  
 19  
 20 Plaintiff/Counterdefendant,  
 21 v.  
 22 BURST.COM, INC.,  
 23 Defendant/Counterclaimant

Case No. 3:06-CV-00019 MHP

**DECLARATION OF BRUCE WECKER  
 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

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

MICHAEL F. HEIM (TX Bar No. 9380923 - *Pro Hac Vice*)  
mheim@hpcllp.com

LESLIE V. PAYNE (TX Bar No. 0784736 - *Pro Hac Vice*)  
lpayne@hpcllp.com

HEIM, PAYNE & CHORUSH, L.L.P.  
600 Travis Street, Suite 6710  
Houston, TX 77002  
(713) 221-2000 Tel.  
(713) 221.2021 Fax

ROBERT J. YORIO (CA Bar No. 93178)  
ryorio@carrferrell.com

V. RANDALL GARD (CA Bar No. 151677)  
randygard@carrferrell.com

COLBY B. SPRINGER (CA Bar No. 214868)  
cspringer@carrferrell.com

CARR & FERRELL LLP  
2200 Geng Road  
Palo Alto, CA 94303  
(650) 812-3400 Tel.  
(650) 812-3444

ATTORNEYS FOR DEFENDANT  
BURST.COM, INC.

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

I, Bruce Wecker, declare:

1. I am a member of the Bar of this Court and an attorney with the law firm of Hosie McArthur LLP, counsel of record for Burst.com, 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 1 is the stipulated protective order filed with the Court on September 15, 2006, which 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. The following documents and exhibits lodged in connection with Defendant Burst.com, Inc.'s Opposition to Plaintiff Apple Computer, Inc.'s Second Motion for Summary Judgment of Invalidity have been designated as Highly Confidential Outside Attorneys' Eyes Only by Apple Computer, Inc. or Burst.com, Inc.:

- Portions of pages 10 and 11 of Defendant Burst.com, Inc.'s Opposition to Plaintiff Apple Computer, Inc.'s Second Motion for Summary Judgment on Invalidity
- Exhibit 11 to Declaration of Richard Lang in Opposition to Second Motion for Summary Judgment of Invalidity
- Exhibits 2, 6, 7, 15-19, 21 to the Declaration of Daniel J. Walker in Support of Burst.com, Inc.'s Opposition to Apple Computer, Inc.'s Second Motion for Summary Judgment
- Exhibit 1 to Declaration of Dr. Justin Douglas Tygar in Opposition to Apple's Second Motion for Summary Judgment of Invalidity
- Exhibit 3 to the Declaration of Dr. Sheila Hemami in Opposition to Apple's Second Motion for Summary Judgment of Invalidity
- Appendix B to the Declaration Bruce McFarlane in Opposition to Plaintiff Apple Computer, Inc.'s Second Motion for Summary Judgment of Invalidity

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

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 this 28<sup>th</sup> day of August 2007 at San Francisco, California.

Dated: August 28, 2007

HOSIE McARTHUR LLP

      /s/ Bruce Wecker        
Bruce Wecker