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7 Attorneys for Plaintiff  
 APPLE COMPUTER, INC.

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
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11 APPLE COMPUTER, INC.,

12 Plaintiff,

13 v.

14 BURST.COM, INC.,

15 Defendant.  
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Case No. C 06-00019 MHP

**DECLARATION OF NICHOLAS A.  
 BROWN IN SUPPORT OF  
 STIPULATED REQUEST TO  
 CONTINUE CASE MANAGEMENT  
 CONFERENCE**

Date: April 3, 2006  
 Time: 4:00 p.m.  
 Hon. Marilyn Hall Patel

Complaint Filed: January 4, 2006  
 Trial Date: None

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I, Nicholas A. Brown, declare:

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

2. The parties have been engaged in settlement discussions and believe that a brief continuance of the Case Management Conference would be beneficial. Accordingly, the parties are jointly requesting that the Court continue the Case Management Conference by approximately 30 days.

3. The only previous time modifications in this case are extensions of Defendant's time to respond to the complaint that extended the time for Defendant's response until February 17, 2006 and then to March 20, 2006. The parties will be filing concurrently with their Stipulated Request To Continue The Case Management Conference a stipulation further extending Defendant's time to respond to the complaint to April 19, 2006.

4. No schedule has yet been set in this case. Continuing the Case Management Conference by approximately 30 days would have no effect on the schedule for the case other than delaying the time when a case schedule is expected to be set by approximately 30 days.

Executed on March 10, 2006, at Redwood Shores, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

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/s/ Nicholas A. Brown  
Nicholas A. Brown