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10	LINITED OF A TIEG DIGEDIOT COLUDE					
11	UNITED STATES DISTRICT COURT  NORTHERN DISTRICT OF CALIFORNIA					
12	144	OKTILKIV DISTRIV	er or each oldar			
13	APPLE COMPUTER, INC.,		Case No. C 06-001	9 MHP		
14	Plaintiff,			OF NICHOLAS A.		
15	v.		COMPUTER, IN			
16	BURST.COM, INC.,		FOR SUMMARY	S SECOND MOTION JUDGMENT OF		
17	Defendan	t.	INVALIDITY  Data: Contember 1	9 2007		
18			Date: September 1 Time: 2:00 p.m. Honorable Marilyr			
19			Complaint Filed: 3			
20			Trial Date: Februa			
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	BROWN DECL. ISO APPLE'S REPLY T			Case No. C 06-0019 MHP		

MOTION FOR SUMMARY JUDGMENT OF INVALIDITY

1	I, INICHOIAS BIOWH, declare:			
2	1. I am a member of the Bar of this Court and an attorney with the law firm of			
3	Weil, Gotshal & Manges LLP, counsel of record for Apple Computer, Inc. in the above-captioned			
4	matter. I submit this declaration based on personal knowledge and following a reasonable			
5	investigation. If called upon as a witness, I could competently testify to the truth of each			
6	statement herein.			
7	2. Attached hereto as <b>Exhibit A</b> is a true and correct copy of the transcript of			
8	the February 8, 2007 Claim Construction Hearing.			
9	3. Attached hereto as <b>Exhibit B</b> is a true and correct copy of the transcript of			
10	the deposition of Sheila Hemami, taken September 4, 2007.			
11	4. Attached hereto as <b>Exhibit C</b> is a true and correct copy of Amsterdam,			
12	Jonathan, "Data Compression with Huffman Coding," Byte Magazine, p. 99 (May 1986)			
13	(APBU00665410-00665417).			
14	5. Attached hereto as <b>Exhibit D</b> is a true and correct copy of the transcript of			
15	the deposition of Richard Lang, taken July 23, 2003.			
16	6. Attached hereto as <b>Exhibit E</b> is a true and correct copy of Gardner, Eriq,			
17	"First Bill, Now Steve", IP Law & Business, p. 36-45 (April 2006).			
18	7. Attached hereto as <b>Exhibit F</b> is a true and correct copy of U.S. Patent No.			
19	3,786,445, issued to Ho et al. on January 15, 1974.			
20	8. Attached hereto as <b>Exhibit G</b> is a true and correct copy of transcript			
21	excerpts from the deposition of Kane Kramer, taken August 7, 2007.			
22	9. Attached hereto as <b>Exhibit H</b> is a true and correct copy of <i>Advanceme Inc</i> .			
23	v. RapidPay, LLC, 2007 WL 2350644 (E.D. Tex. Aug. 14, 2007).			
24	10. Attached hereto as <b>Exhibit I</b> is a true and correct copy of Asyst Tech. Inc.,			
25	v. Empak, Inc., 2007 WL 2255220 (N.D. Cal. Aug. 3 2007) (designated as not for citation).			
26	11. Attached hereto as <b>Exhibit J</b> is a true and correct copy of <i>Frazier v. Layne</i>			
27	Christensen Co., 2007 WL 1875909 (Fed. Cir. June 29, 2007) (designated as not for citation)			
28	12. Attached hereto as <b>Exhibit K</b> is a true and correct copy of <i>Friskit Inc.</i> , v.			

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1	RealNetworks, Inc., 2007 WL 2156239 (N.D. Cal. July 26, 2007)				
2	13. Attached hereto as <b>Exhibit L</b> is a true and correct copy of <i>In re Icon</i>				
3	Health &Fitness, Inc., 2007 WL 2189161 (Fed. Cir. Aug. 1, 2007)				
4	14. Attached hereto as <b>Exhibit M</b> is a true and correct copy of <i>In re Trans</i>				
5	<i>Texas Holdings Corp.</i> , 2007 WL 2377009 (Fed. Cir. Aug. 22, 2007)				
6	15. Attached hereto as <b>Exhibit N</b> is a true and correct copy of <i>Semiconductor</i>				
7	Energy Lab. Co. v. Chi Mei Optoelectronics Corp., 2007 WL 1793770 (N.D. Cal. June 19, 2007)				
8	16. Attached hereto as <b>Exhibit O</b> is a true and correct copy of transcript				
9	excerpts from the deposition of Earl Mincer, taken July 20, 2007.				
10	I declare under penalty of perjury under the laws of the United States of				
11	America that the foregoing is true and correct.				
12	Executed this 6th day of September, 2007, at Redwood Shores, California.				
13	/s/ Nicholas Brown				
14	Nicholas A. Brown				
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