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 APPLE COMPUTER, INC.

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

13 APPLE COMPUTER, INC.,
 14 Plaintiff,
 15 v.
 16 BURST.COM, INC.,
 17 Defendant.

Case No. C 06-0019 MHP
 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

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Apple Computer, Inc. (“Apple”) hereby requests, pursuant to Civil Local Rules 7-10 and 79-5, an Order sealing Exhibits D and O to the Declaration Nicholas A. Brown in Support of Apple Computer, Inc.’s Reply in Support of its Second Motion for Summary Judgment of Invalidity, lodged with the Court on September 6, 2007. Specifically, **Exhibit D** is a true and correct copy of the transcript of the deposition of Richard Lang, taken on July 23, 2003, in the matter of *Burst.com v. Microsoft Corp.*, Case No. 02-2090 (District of Maryland); **Exhibit O** is a true and correct copy deposition of Earl Mincer in *Apple, Inc. v. Burst.com, Inc.* Civil No. C 06-0019 MHP taken on July 20, 2007.

The forgoing exhibits are lodged with the Declaration of Nicholas A. Brown in Support of Apple Computer, Inc.’s Reply in Support of its Second Motion for Summary Judgment of Invalidity. Pursuant to a stipulated protective order filed with this Court on September 15, 2006, 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. **Exhibit D** and **Exhibit O** have been designated as Confidential Outside Attorneys’ Eyes Only by Burst.com, Inc. *See* Kalay Decl. in Support of Apple’s Miscellaneous Administrative Request.

Accordingly, this narrowly-tailored request to seal is only for material for which good cause to seal has been established. A Proposed Order has been filed and served herewith.

Dated: September 7, 2007

WEIL, GOTSHAL & MANGES LLP

By: _____
/s/
Leeron G. Kalay
Attorney for Plaintiff
Apple Computer, Inc.