

United States District Court  
Northern District of California

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

**UNITED STATES DISTRICT COURT**

**Northern District of California**

Apple Computer Inc.,	06-00019 MHP
Plaintiff(s),	<b>NOTICE RE: NONCOMPLIANCE WITH COURT ORDER</b>
v.	
Burst.com, Inc.,	
Defendant(s).	

The parties have failed to file an ADR Certification and either a Stipulation and [Proposed] Order Selecting an ADR Process or a Notice of Need for ADR Phone Conference as required by the Initial Case Management Scheduling Order. Counsel shall Meet and Confer forthwith in an attempt to agree on an ADR process for this matter. Thereafter, counsel, on behalf of themselves and each party, promptly shall file an **ADR Certification** and either 1) a **Stipulation and [Proposed] Order Selecting ADR Process**, or 2) a **Notice of Need for ADR Phone Conference** (Civil L.R. 16-8(b), ADR L. R. 3-5(b) Civil L.R. 16-8(c), ADR L. R. 3-5(c), (d)). (These forms are available at [www.adr.cand.uscourts.gov](http://www.adr.cand.uscourts.gov).)

Further, in accordance with ADR L.R. 3-5(e) counsel shall concurrently provide a copy of all documents filed pursuant to this notice directly to the ADR Unit either by fax (415-522-4112), hand delivery (ADR Program, USDC, Northern District of California,

1 450 Golden Gate Avenue, 16<sup>th</sup> Floor, San Francisco, California), or by PDF attachment  
2 to an e-mail directed to [adr@cand.uscourts.gov](mailto:adr@cand.uscourts.gov).

3  
4 It is the responsibility of counsel to schedule an ADR Phone Conference, if  
5 required, to occur before the Case Management Conference.

6  
7  
8 Dated: March 24, 2006

9 RICHARD W. WIEKING  
10 Clerk  
11 by: Timothy J. Smagacz



12 ADR Administrative Assistant  
13 415-522-4205  
14 Tim\_Smagacz@cand.uscourts.gov

**PROOF OF SERVICE**

Case Name: Apple Computer Inc. v. Burst.com, Inc.

Case Number: 06-00019 MHP

I declare that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California. I am over the age of eighteen (18) years and not a party to the action. My business address is:

ADR Program  
United States District Court  
Northern District of California  
450 Golden Gate Avenue Floor 16  
San Francisco, CA 94102

On March 24, 2006, I served a true and correct copy of:

**Notice Re: Noncompliance With Court Order**

[X] electronically, I caused said documents to be transmitted using ECF as specified by General Order No. 45 to the following parties:

Matthew D. Powers  
Weil Gotshal & Manges  
201 Redwood Shores Pkwy  
Redwood Shores, CA 94065  
matthew.powers@weil.com

Nicolas A. Brown  
Weil Gotshal & Manges LLP  
201 Redwood Shores Parkway  
Redwood Shores, CA 94065

Nicholas Brown  
Weil Gotshal & Manges LLP  
201 Redwood Shores Parkway  
Redwood Shores, CA 94065  
nicholas.brown@weil.com

Robert J. Yorio  
Carr & Ferrell LLP  
2200 Geng Road  
Palo Alto, CA 94303

Colby B. Springer  
Carr & Ferrell LLP  
2200 Geng Road  
Palo Alto, CA 94303  
cspringer@carrferrell.com

[ ] by Facsimile, I caused said documents to be transmitted to the following parties by fax machine:

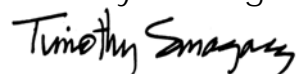
[ ] by U. S. Mail, I placed a true copy in a sealed envelope with postage fully prepaid in the United States Post Office Mail Box in San Francisco, California, addressed as follows:

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on March 24, 2006 in San Francisco, California.

RICHARD W. WIEKING

Clerk

by: Timothy J. Smagacz



---

ADR Administrative Assistant

415-522-4205

Tim\_Smagacz@cand.uscourts.gov