

1 MATTHEW D. POWERS (Bar No. 104795)  
 matthew.powers@weil.com  
 2 NICHOLAS A. BROWN (Bar No. 198210)  
 nicholas.brown@weil.com  
 3 WEIL, GOTSHAL & MANGES LLP  
 Silicon Valley Office  
 4 201 Redwood Shores Parkway  
 Redwood Shores, CA 94065  
 5 Telephone: (650) 802-3000  
 Facsimile: (650) 802-3100  
 6

7 Attorneys for Plaintiff  
 APPLE COMPUTER, INC.

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

APPLE COMPUTER, INC.,  
 Plaintiff,  
 v.  
 BURST.COM, INC.,  
 Defendant.

Case No. C 06-00019 JL

**DECLINATION TO PROCEED  
 BEFORE A MAGISTRATE JUDGE  
 AND REQUEST FOR  
 REASSIGNMENT TO A UNITED  
 STATES DISTRICT JUDGE**

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

Dated: January 10, 2006

WEIL, GOTSHAL & MANGES LLP

By:           /s/ Nicholas A. Brown            
 Nicholas A. Brown  
 Attorneys for Plaintiff  
 APPLE COMPUTER, INC.