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7 Attorneys for Plaintiff
 APPLE COMPUTER, INC.

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

11 APPLE COMPUTER, INC.,
 12 Plaintiff,
 13 v.
 14 BURST.COM, INC.,
 15 Defendant.

Case No. 3:06-CV-00019 MHP

**DECLARATION OF NICHOLAS A.
 BROWN IN SUPPORT OF
 STIPULATION TO EXTEND TIME
 FOR PLAINTIFF TO RESPOND TO
 DEFENDANT'S AMENDED ANSWER
 AND COUNTERCLAIMS**

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1 I, Nicholas A. Brown, declare:

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

6 2. The parties have met and conferred and have agreed to extend Apple
7 Computer Inc.'s time to respond to the Amended Answer and Counterclaims by seven days, from
8 May 11, 2006, through and including May 18, 2006.

9 3. Previous time modifications in this case include extensions of Defendant's
10 time to respond to the complaint that extended the time for Defendant's response until February
11 17, 2006, and then to March 20, 2006, as well as a continuance of the initial Case Management
12 Conference from April 4, 2006, to May 8, 2006.

13 4. Extending the date by which Apple Computer, Inc. will respond to
14 Burst.com's Amended Answer and Counterclaims would have no effect on the schedule for the
15 case, which was set at the May 8, 2006 Case Management Conference.

16 Executed on May 11, 2006, at Redwood Shores, California.

17 I declare under penalty of perjury under the laws of the United States of America
18 that the foregoing is true and correct.

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/s/ Nicholas A. Brown

Nicholas A. Brown