

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

APPLE COMPUTER, INC.,

Plaintiff and
Counterdefendant,

v.

BURST.COM, INC.,

Defendant and
Counterclaimant.

Case No. 06-CV-00019 MHP

**EXHIBIT A TO STIPULATED
PROTECTIVE ORDER REGARDING
DISCLOSURE OF CONFIDENTIAL
MATERIALS**

Undertaking By Non-Parties Designated
Under Paragraphs 6 and/or 7

I, _____, state the following:

1. [Mark and complete the appropriate statement:]

_____ I have been designated by _____ [party] as its
representative to receive confidential information under the Protective Order in this case;

OR

_____ I have been retained by _____ [party] to serve as an
expert or consultant in the above-captioned action.

2. I have read and understand the Protective Order (“Order”) to which this
Exhibit A is annexed and I attest to my understanding that access to material designated as
“CONFIDENTIAL” or “CONFIDENTIAL COUNSEL’S EYES ONLY” may be provided to me
and that such access shall be pursuant to the terms and conditions and restrictions of the Order. I
agree to be bound by the terms of the Order and to be subject to the Court’s jurisdiction, both
with respect to this Court’s powers of supervision of the litigation of the above-captioned action
and contractually to any designating party, which I acknowledge to be an expressly intended
beneficiary of the undertakings I give in this Confidentiality Agreement and Undertaking.

