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 APPLE COMPUTER, INC.  
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10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
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13 APPLE COMPUTER, INC.,

14 Plaintiff,

15 v.

16 BURST.COM, INC.,

17 Defendant.  
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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

1 Apple Computer, Inc. ("Apple") hereby requests, pursuant to Civil Local Rules 7-  
2 10 and 79-5, an Order sealing Exhibits A, B, C, and D of To The Declaration Of Leeron G. Kalay  
3 In Support Apple's Claim Construction Brief lodged with the Court on December 8, 2006,  
4 specifically:

- 5 • **Exhibit A** - true and correct copies of excerpts from the deposition of Richard  
6 Lang in *Burst.com v. Microsoft Corp.*, Civil No. JFM-02-2952, taken on July 23,  
7 2003.
- 8 • **Exhibit B** - true and correct copies of BURSTA 353338-353346 ["Instant Video  
9 Technology, Inc. Company Profile – Designers, Developers and Licensors of  
10 Interactive Network Technologies," dated March 1994].
- 11 • **Exhibit C** - true and correct copies of BURSTA 255880-255901 [memorandum  
12 from Richard Lang to Gary Familian, dated February 16, 1995 and enclosing  
13 "Athena Requirements Specification, Work in Process, Version 0.9"].
- 14 • **Exhibit D** - true and correct copies of BURSTA 315723-315724 [memoranda  
15 between Earl Mincer and Richard Lang, dated March 27, 1991 and April 5, 1991].  
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17 Each of the forgoing exhibits is lodged with the Declaration Of Leeron G. Kalay In  
18 Support of Apple's Claim Construction Brief. Pursuant to a stipulated protective order filed with  
19 this Court on September 15, 2006, parties may designate documents as Confidential Counsel's  
20 Eyes Only. *See* Declaration of Leeron G. Kalay In Support Of Plaintiff's Miscellaneous  
21 Administrative Request Pursuant to Civil Local Rules 7-10 and 79-5 to Seal Documents ("Kalay  
22 Decl. In Support of Apple's Miscellaneous Administrative Request"), Exhibit A. The Protective  
23 Order requires that, when so designated, such materials are to be filed with the Court under seal.  
24 *Id.* at ¶ 14. Each of exhibits A, B, C, and D have been designated as Confidential Outside  
25 Attorneys' Eyes Only by Burst.com, Inc. *See* Kalay Decl. In Support of Apple's Miscellaneous  
26 Administrative Request.

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

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Dated: December 8, 2006

WEIL, GOTSHAL & MANGES LLP

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