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8 Attorneys for Plaintiff
 APPLE COMPUTER, INC.
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10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12

13 APPLE COMPUTER, INC.,

14 Plaintiff,

15 v.

16 BURST.COM, INC.,

17 Defendant.
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Case No. C 06-0019 MHP

DECLARATION OF LEERON G.
 KALAY IN SUPPORT OF
 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

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I, Leeron G. Kalay, declare:

1. I am a member of the Bar of this Court and an attorney with the law firm of Weil, Gotshal & Manges LLP, counsel of record for Apple Computer, Inc. in the above-captioned matter. I submit this declaration based on personal knowledge and following a reasonable investigation. If called upon as a witness, I could competently testify to the truth of each statement herein.

2. Attached hereto as Exhibit 1 is the stipulated protective order filed with the Court on September 15, 2006, which states in part that parties may designate documents as Confidential Counsel's Eyes Only. The protective order requires that, when so designated, such materials are to be filed with the Court under seal. *Id.* at ¶ 14.

3. Each of the exhibits lodged with the Declaration Of Leeron G. Kalay In Support of Apple's Claim Construction Brief (Exhibits A, B, C, and D) have been designated as Confidential Outside Attorneys' Eyes Only by Burst.com.

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

Executed this Eighth day of December 2006 at Redwood Shores, California.

Dated: December 8, 2006

WEIL, GOTSHAL & MANGES LLP

By: /s/ Leeron G. Kalay
 Leeron G. Kalay