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 7 Facsimile: (650) 802-3100

8 Attorneys for Plaintiff  
 APPLE COMPUTER, INC.  
 9

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 APPLE  
 COMPUTER, INC.'S MOTION FOR  
 SUMMARY JUDGMENT OF  
 NONINFRINGEMENT OF THE  
 "STORED TIME COMPRESSED  
 REPRESENTATION" LIMITATION

Date: February 8, 2007  
 Time: 9:00 a.m.  
 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 a true and correct copy of excerpts from the transcript of the deposition of Jeff Robbin, taken September 19, 2006.

3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the transcript of the deposition of Patrice Gautier, taken October 25, 2006.

4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from the transcript of the deposition of Richard Lang in *Burst.com v. Microsoft*, Case No. 02-2090 (District of Maryland), taken July 23, 2003.

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

Executed this 4th day of January 2007, at Redwood Shores, California.

/s/  
 \_\_\_\_\_  
 Leeron G. Kalay

**EXHIBIT 1**

1 MATTHEW D. POWERS (Bar No. 104795)  
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**MANUAL FILING NOTIFICATION**

EXHIBITS 1, 2, AND 3 TO THE  
DECLARATION OF LEERON G.  
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**FILED UNDER SEAL**

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25 **THIS ENVELOPE CONTAINS MATERIALS SUBJECT TO A STIPULATED**  
26 **PROTECTIVE ORDER ENTERED IN THIS ACTION. IT IS NOT TO BE OPENED**  
27 **NOR ARE ITS CONTENTS TO BE DISPLAYED, REVEALED OR MADE PUBLIC,**  
28 **EXCEPT BY ORDER OF THE COURT.**

**EXHIBIT 2**

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