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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
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13 APPLE COMPUTER, INC.,
 14 Plaintiff,
 15 v.
 16 BURST.COM, INC.,
 17 Defendant.

Case No. C 06-0019 MHP

DECLARATION OF NICHOLAS A.
 BROWN IN SUPPORT OF APPLE
 COMPUTER, INC.'S MOTION FOR
 SUMMARY JUDGMENT OF
 INVALIDITY

Date: February 8, 2007
 Time: 9:00 a.m.
 Hon. Marilyn Hall Patel

Complaint Filed: January 4, 2006
 Trial Date: February 26, 2008

1 I, Nicholas A. Brown, declare:

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

7 2. Attached hereto as **Exhibit 1** is a true and correct copy of Defendant
8 Burst.com's Objections and Responses to Plaintiff Apple Computer, Inc.'s First Set of
9 Interrogatories [Nos. 1-8], dated July 17, 2006.

10 3. Attached hereto as **Exhibit 2** is a true and correct copy of U.S. Patent No.
11 4,667,088 issued to Kramer et al. on May 19, 1987.

12 4. Attached hereto as **Exhibit 3** is a true and correct copy of U.S. Patent No.
13 4,790,003 issued to Kepley et al. on December 6, 1988.

14 5. Attached hereto as **Exhibit 4** is a true and correct copy of the Joint Claim
15 Construction and Prehearing Statement, dated October 3, 2006.

16 6. Attached hereto as **Exhibit 5** is a true and correct copy of D. Huffman, "A
17 Method for the Construction of Minimum-Redundancy Codes," *Proceedings of the I.R.E.*, Vol.
18 40, pp. 1098-1101 (Sep. 1952).

19 7. Attached hereto as **Exhibit 6** is a true and correct copy of J. Ziv and A.
20 Lempel, "A Universal Algorithm for Sequential Data Compression," *IEEE Transactions on*
21 *Information Theory*, Vol. IT-23, No. 3, pp. 337-343 (May 1977).

22 8. Attached hereto as **Exhibit 7** is a true and correct copy of R. Metcalfe and
23 D. Boggs, "Ethernet: Distributed Packet Switching for Local Computer Networks,"
24 *Communications of the ACM*, Vol. 19, No. 7, pp. 395-404 (Jul. 1976).

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