

1 MICHAEL J. BETTINGER (STATE BAR NO. 122196)
 2 STEPHEN M. EVERETT (STATE BAR NO. 121619) _____
 3 ELAINE CHOW (STATE BAR NO. 194063)
 4 CURT HOLBREICH (STATE BAR NO. 168053)_
 5 K&L GATES LLP
 6 Four Embarcadero Center, Suite 1200
 7 San Francisco, CA 94111
 8 Telephone: (415) 882-8200
 9 Facsimile: (415) 882-8220
 10 mike.bettinger@klgates.com
 11 stephen.everett@klgates.com
 12 elaine.chow@klgates.com
 13 curt.holbreich@klgates.com

14 Attorneys for Defendant
 15 EASTMAN KODAK COMPANY

16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION**

APPLE INC., a California Corporation,
 Plaintiff,
 v.
 EASTMAN KODAK COMPANY, a New
 Jersey Corporation,
 Defendant.

Case No. CV-10-01609 JCS
**DECLINATION TO PROCEED
 BEFORE A MAGISTRATE JUDGE
 AND REQUEST FOR
 REASSIGNMENT TO A UNITED
 STATES DISTRICT JUDGE**

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO

3 I am employed in the county of San Francisco, State of California. I am over the age of 18
4 and not a party to the within action; my business address is **K&L Gates LLP, Four Embarcadero
Center, Suite 1200, San Francisco, California 94111.**

5 On **April 29, 2010**, I served the foregoing document(s):

6 **DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST**
7 **FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE**

8 together with an unsigned copy of this declaration, on all interested parties in this action by placing a
9 true copy thereof enclosed in a sealed envelope(s) addressed and sent as follows:

10 Brian E. Ferguson
Weil Gotshal & Manges LLP
11 1300 Eye Street, N.W.
Washington, DC 20005
12 brian.ferguson@weil.com
Matthew Douglas Powers
13 Weil Gotshal & Manges LLP
201 Redwood Shores Pkwy
14 Redwood Shores, CA 94065
15 matthew.powers@weil.com
Steven S. Cherensky
16 Weil Gotshal & Manges LLP
201 Redwood Shores Pkwy
17 Redwood Shores, CA 94065
18 Steven.cherensky@weil.com

19 [X] **BY MAIL (By Following Office Business Practice):** I am readily familiar with this firm’s
20 practice of collection and processing correspondence for mailing. It is deposited with the
21 U.S. Postal Service on that same day in the ordinary course of business. I placed such
envelope(s) for collection and mailing on that date following ordinary business practice.

22 [X] **BY EMAIL:** By transmitting via electronic mail the document listed above to the email
23 address(s) set forth above.

24 I declare under penalty of perjury under the laws of the State of California that the above is
true and correct.

25 Executed on April 29, 2010, at San Francisco, California.

26
27 /s/ Apriljoy H. Sanchez
28 **Apriljoy H.Sanchez**