

COPY

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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SAN FRANCISCO DIVISION

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CASE NO. C 067754 SBA

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HELIO LLC

**DECLARATION OF DOUG COLT IN
 SUPPORT OF PALM'S OPPOSITION TO
 PLAINTIFF'S APPLICATION FOR
 TEMPORARY RESTRAINING ORDER
 AND ORDER TO SHOW CAUSE WHY A
 PRELIMINARY INJUNCTION SHOULD
 NOT ISSUE**

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Plaintiff,

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vs.

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PALM, INC.

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Defendant.

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I, Doug Colt, declare as follows:

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1. I am an attorney, duly licensed and admitted to practice in the State of California. I am an
 21 associate of Quinn Emanuel Urquhart Oliver & Hedges, LLP, counsel of record in this action for
 22 defendant Palm, Inc. ("Palm").

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2. On December 20, 2006, I conducted searches on Google (<http://www.google.com>)
 24 concerning plaintiff's claimed slogans. Included in my searches were the following phrases: "not
 25 just a cell phone," and "not a cell phone company."

26

3. This search retrieved numerous results, including the following:

27

A. "Consumer Electronics: Can Wireless Save PDAs?" Mike Musgrove, Forbes.com,
 28 December 1, 2003, http://www.forbes.com/2003/12/01/1201pdaspinnacor_ii_print.html.

quinn emanuel

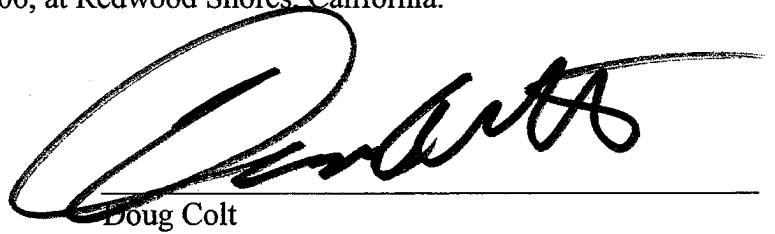
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This article contains the following quote from Palm founder, Jeff Hawkins: "We're not a cell phone company, we're a mobile computing company." Attached hereto as Exhibit A is a true and correct copy of a printout of this website.

B. "Not just a camera phone." You For the Interactive Youth, Dec. 1, 2006, http://showbizandstyle.inquirer.net/you/elif/view_article.php?article_id=35873. This article discusses Sony Ericsson's K800i phone and its multimedia capabilities. Attached hereto as Exhibit B is a true and correct copy of a printout of this website.

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

Executed on December 20, 2006, at Redwood Shores, California.



Doug Colt

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