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12 Attorneys for HELIO LLC

13 UNITED STATES DISTRICT COURT FOR THE
 14 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

15 HELIO LLC,

16 Case No. C 06-7754

17 Plaintiff,

18 **PROOF OF SERVICE**

19 vs.

20 PALM INC.

21 Defendant.

1 STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO

2 I am employed in the county of San Francisco, State of California. I am over the age
3 of 18 and not a party to the within action; my business address is **Kirkpatrick & Lockhart
4 LLP, 4 Embarcadero Center, 10th Floor, San Francisco, California 94111.**

5 On **December 19, 2006**, I served the foregoing document(s):

6 **COMPLAINT;**

7 **HELIO'S APPLICATION FOR A TRO AND ORDER TO SHOW CAUSE AND
8 MEMORANDUM OF POINTS AND AUTHORITIES;**

9 **DECLARATION OF KATHRYN WHEBLE;**

10 **DECLARATION OF JESSICA WEEKS; AND**

11 **PROPOSED ORDER GRANTING TRO**

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

14 **Mary E. Doyle**
15 **Palm Inc.**
16 **950 W. Maude Avenue**
17 **Sunnyvale, California 94085**
18 **Facsimile: (408) 617-0100**
19 **mary.doyle@palm.com**

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

25 [] **BY MAIL (By Person Depositing in Mail):** I deposited such envelope(s) in the mail
26 at San Francisco, California with postage thereon fully prepaid to the office of the
27 addressee(s) as indicated above.

28 [] **BY EXPRESS MAIL:** I deposited such envelope(s) in a post office, mailbox, subpost
office, substation, mail chute or other like facility regularly maintained by the United
States Postal Service for receipt of Express Mail in a sealed envelope, with Express
Mail postage fully prepaid, addressed to the office of the addressee(s) as indicated
above.

- 1 [X] **BY FACSIMILE:** Starting at 8:30 a.m., I caused the documents listed above to be
2 transmitted by facsimile transmission from a facsimile machine, whose telephone
3 number is (415) 249-1001 to the facsimile number of the offices of the addressee(s)
4 as indicated above. The above-described transmission was reported as complete
5 without error by a transmission report issued by the facsimile transmission machine
6 upon which the said transmission was made immediately following the transmission.
- 7 [X] **BY EMAIL:** By transmitting via electronic mail the document listed above to the email
8 address(s) set forth above.
- 9 [X] **BY PERSONAL SERVICE AT ATTORNEY'S OFFICE:** I caused to be delivered
10 such envelope(s) to the offices of the addressee(s) either by leaving it with a
11 receptionist or with a person having charge thereof, or if there was no person in the
12 office, by leaving it in a conspicuous place in the office between the hours of 9 a.m.
13 and 5 p.m. A proof of service will be executed by the delivery service.
- 14 [] **BY PERSONAL SERVICE AT ATTORNEY'S OFFICE:** I personally delivered such
15 envelope(s) to the offices of the addressee(s) either by leaving it with a receptionist
16 or with a person having charge thereof, or if there was no person in the office, by
17 leaving it in a conspicuous place in the office between the hours of 9 a.m. and 5 p.m.
- 18 [] **BY FEDERAL EXPRESS:** I deposited such envelope in a box or other facility
19 regularly maintained by Federal Express, an express service carrier, or delivered to a
20 courier or driver authorized by said express service carrier to receive documents in
21 an envelope designated by the said express service carrier, addressed as above,
22 with delivery fees paid or provided for, to be transmitted by Federal Express.

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

25 Executed on December 19, 2006, at San Francisco, California.



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Harold H. Davis, Jr.