

HowardRice

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8 Attorneys for Defendants
 AMAZON.COM, INC., a Delaware corporation,
 9 and AMAZON DIGITAL SERVICES, INC., a
 Delaware corporation
 10

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13

14 APPLE INC., a California corporation,
 15 Plaintiff,
 16 v.
 17 AMAZON.COM, INC., a Delaware
 corporation, and AMAZON DIGITAL
 18 SERVICES, INC., a Delaware corporation,
 19 Defendants.

No. 11-CV-01327 PJH

Action Filed: March 18, 2011

DECLARATION OF DANA
 NORTHCOTT IN SUPPORT OF
 OPPOSITION TO PLAINTIFF APPLE
 INC.'S MOTION TO SHORTEN TIME
 TO HEAR MOTION FOR
PRELIMINARY INJUNCTION

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1 I, Dana Northcott, declare as follows:

2 1. I am Senior Corporate Counsel, IP, for Defendant Amazon.com, Inc.
3 ("Amazon"), and as such am familiar with the history, business, and operations of the
4 company, including the development and launch of the Amazon Appstore for Android on
5 Amazon's website, www.amazon.com. I make this Declaration in Support of Amazon's
6 Opposition to Plaintiff Apple Inc.'s Motion to Shorten Time to Hear Motion for Preliminary
7 Injunction. I make this declaration upon personal knowledge and, if called upon to testify,
8 could and would testify competently about its contents.

9 2. Amazon decided in 2010 to open an app store for Android apps--the Amazon
10 Appstore for Android. Amazon's intention to open an app store for Android smartphones
11 became public in October 2010.

12 3. On or about March 22, 2011, Amazon launched the Amazon Appstore for
13 Android on the www.amazon.com website. The Amazon Appstore for Android is an app
14 store that allows a consumer to view and instantly download apps for their Android devices.
15 Users may shop the Amazon Appstore either from their computers at the www.amazon.com
16 website, or from the Amazon Appstore app on their Android mobile devices.

17 4. As reflected by its name and explained on Amazon's website, the apps sold in the
18 Amazon Appstore for Android are compatible only with Android devices. Thus, only
19 customers who own Android devices and who have downloaded the Amazon Appstore for
20 Android app onto their Android smartphone may use the Amazon Appstore for Android.
21 Accordingly, the Amazon Appstore for Android does **not** offer apps for use with Apple
22 mobile devices such as the iPhone, iPad, or iPod.

23 I declare under penalty of perjury under the laws of the State of Washington that the
24 foregoing is true and correct to the best of my knowledge. Executed this 18th day of April,
25 2011, at Seattle, Washington.

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27 _____
28 DANA NORTHCOTT