

1 Robert A. Mittelstaedt #060359
 Caroline N. Mitchell #143124
 2 Adam R.Sand #217712
 JONES DAY
 3 555 California Street, 26th Floor
 San Francisco, CA 94104
 4 Telephone: (415) 626-3939
 Facsimile: (415) 875-5700
 5 ramittelstaedt@jonesday.com
 cnmitchell@jonesday.com
 6 arsand@jonesday.com

7 Attorneys for Defendant
 APPLE COMPUTER, INC.

8
 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11

12
 13 **THOMAS WILLIAM SLATTERY,**
Individually, And On Behalf Of All
 14 **Others Similarly Situated,**

15 **Plaintiff,**

16 v.

17 **APPLE COMPUTER, INC.,**

18 **Defendant.**

Case No. C 05 00037 JW

PROOF OF SERVICE

19
 20
 21
 22
 23
 24
 25
 26
 27
 28

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in San Francisco County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 555 California Street, 26th Floor, San Francisco, California 94104. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On February 10, 2005, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

Apple Computer, Inc. Motion to Dismiss Class Action Complaint

Appendix

[Proposed] Order Dismissing Complaint of Thomas William Slattery

in a sealed envelope, postage fully paid, addressed as follows:

Roy A. Katriel
The Katriel Law Firm, P.C.
1101 30th Street, NW
Suite 500
Washington, DC 20007
Tel: 202-625-4342
Fax: 202-625-6774

Jacqueline Sailer
Eric J. Belfi
Murray, Frank & Sailer LLP
275 Madison Avenue
Suite 801
New York, NY 10016-1101
Tel: 212-682-1818
Fax: 212-682-1892

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on February 10, 2005, at San Francisco, California.



Margaret C. Landsborough