

1 Robert A. Mittelstaedt #060359  
 Caroline N. Mitchell #143124  
 2 Adam R.Sand #217712  
 JONES DAY  
 3 555 California Street, 26<sup>th</sup> 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.

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**

**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 March 7, 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.'S REPLY IN SUPPORT OF ITS MOTION TO DISMISS CLASS ACTION COMPLAINT**

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

Roy A. Katriel	Jacqueline Sailer
The Katriel Law Firm, P.C.	Eric J. Belfi
1101 30 <sup>th</sup> Street, NW	Murray, Frank & Sailer LLP
Suite 500	275 Madison Avenue
Washington, DC 20007	Suite 801
Tel: 202-625-4342	New York, NY 10016-1101
Fax: 202-625-6774	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 March 7, 2005, at San Francisco, California.



Elizabeth Evans