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 13 APPLE COMPUTER, INC.

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

16 **THOMAS WILLIAM SLATTERY,**
 17 **Individually, And On Behalf Of All**
 18 **Others Similarly Situated,**

19 **Plaintiff,**

20 v.

21 **APPLE COMPUTER, INC.,**

22 **Defendant.**

23 **Case No. C 05 00037 JW**

24 **PROOF OF SERVICE**

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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 October 18, 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 document(s):

DEFENDANT APPLE COMPUTER, INC.'S ANSWER AND DEFENSES TO PLAINTIFF SLATTERY'S FIRST AMENDED COMPLAINT

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

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 October 18, 2005, at San Francisco, California.



Elizabeth Evans