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7 Attorneys for SUN MICROSYSTEMS, INC.,
 8 MORGAN, LEWIS & BOCKIUS LLP AND MAKING
 9 A SPECIAL APPEARANCE FOR JEFFREY
 10 KINGSTON WHO HAS NOT BEEN SERVED AND IS
 11 NOT WAIVING SERVICE

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION

15 In re Application of Microsoft Corp.

16 Case No. 06-80038 JF (PVT)

17 **PROOF OF SERVICE**

18 Date: To Be Set
 19 Time: To Be Set
 20 Before: Magistrate Patricia V. Trumbull
 21 Place: To Be Set

22 Complaint Filed: N/A
 23 Trial Date: N/A

PROOF OF SERVICE

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is One Market, Spear Street Tower, San Francisco, CA 94105-1126. On March 15, 2006, I served the within documents:

SUN MICROSYSTEMS, INC, MORGAN, LEWIS & BOCKIUS LLP, AND JEFFREY KINGSTON'S, BY SPECIAL APPEARANCE, NOTICE OF MOTION AND MOTION TO QUASH SUBPOENA DUCES TECUM FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS

[PROPOSED] ORDER GRANTING SUN MICROSYSTEMS, INC, MORGAN, LEWIS & BOCKIUS LLP, AND JEFFREY KINGSTON'S, BY SPECIAL APPEARANCE, MOTION TO QUASH SUBPOENA DUCES TECUM FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS

DECLARATION OF JEFFREY S. KINGSTON IN SUPPORT OF MOTION TO QUASH APPLICANT'S SUBPOENA DUCES TECUM FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS

DECLARATION OF JAMES N. PENROD IN SUPPORT OF MOTION TO QUASH APPLICANT'S SUBPOENA DUCES TECUM FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below.
- by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill, and causing the envelope to be delivered on March 15, 2006, to a Federal Express agent for delivery.
- by causing the document(s) listed above to be personally delivered to the person(s) at the address(es) set forth below.
- by transmitting via electronic mail the document(s) listed above to each of the person(s) as set forth below.

ATTORNEYS	PARTIES	METHOD OF FILING
Richard Allen Jones Covington & Burling One Front Street , 35th Floor San Francisco, CA 94111 415-591-7065 Fax: 415-955-6565 Email: rjones@cov.com	Microsoft Corporation	E-FILING

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<p>Joshua David Wolson Covington & Burling 1201 Pennsylvania Avenue N.W. Washington, DC 20004 202-662-6000 Email: jwolson@cov.com</p>	<p>Microsoft Corporation</p>	<p>E-FILING</p>
<p>William D. Iverson Covington & Burling 1201 Pennsylvania Avenue, N.W. Washington, DC 2004 202-662-6000</p>	<p>Microsoft Corporation</p>	<p>VIA FEDERAL EXPRESS</p>

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on March 15, 2006, San Francisco, California.

I declare under penalty of perjury, under the laws of the State of California and the United States of America, that the foregoing is true and correct.

/S/
DAWN M. BIERMAN