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16  
 17 **UNITED STATES DISTRICT COURT**  
 18 **NORTHERN DISTRICT OF CALIFORNIA**  
 19 **SAN JOSE DIVISION**

20 DAVID WALSH, an individual, on behalf of  
 21 himself, and on behalf of all persons similarly  
 22 situated,

23 Plaintiff,

24 vs.

25 APPLE, INC.; and Does 1 to 10,

26 Defendants.

CASE No. 05:08-cv-04918-JF

PROOF OF SERVICE

Judge: Hon. Fogel

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**CERTIFICATE OF SERVICE [F.R.C.P. §5]**

I am a citizen of the United States and a resident of the State of California. I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action. My business address is 2255 Calle Clara, La Jolla, California 92037. On December 30, 2008, I served the document(s) described as below in the manner set forth below:

(1) SECOND AMENDED COMPLAINT

XX (BY ELECTRONIC SERVICE): I caused the listed documents to be electronically filed through the CM/ECF system at the United States District Court for the Southern District of California which generates a Notice of Electronic Filing to all parties and constitutes service of the electronically filed documents on all parties for purposes of the Federal Rules of Civil Procedure.

XX (Federal): 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, and that the foregoing is true and correct under penalty of perjury.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on December 30, 2008 at San Diego, California.

By:           /s/ Norman B. Blumenthal            
Norman B. Blumenthal

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