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 9 APPLE INC.

10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

15 GIORGIO GOMELSKY,
 on behalf of himself and
 16 all others similarly situated,
 17 Plaintiff,
 18 v.
 19 APPLE INC.,
 20 Defendant.

Case No. C-08-04969 JF

CERTIFICATE OF SERVICE

Date: February 20, 2009
 Time: 9:00am
 Courtroom: 3

Complaint filed: October 30, 2008

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CERTIFICATE OF SERVICE BY OVERNIGHT DELIVERY
(Fed. R. Civ. Proc. rule 5(b))

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I further declare that on the date hereof I served a copy of:

APPLE INC.'S NOTICE OF MOTION TO DISMISS AND TO STRIKE

APPLE INC.'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF ITS MOTION TO DISMISS AND TO STRIKE

REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF APPLE INC.'S MOTION TO DISMISS AND TO STRIKE

DECLARATION OF ANNE M. HUNTER

[PROPOSED] ORDER GRANTING APPLE INC.'S MOTION TO DISMISS

on the following by placing a true copy thereof enclosed in a sealed envelope with delivery fees provided for, addressed as follows for collection by UPS at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482, in accordance with Morrison & Foerster's ordinary business practice.

Jeffrey I Carton *Attorneys for Plaintiff*
Jerome Noll
Meiselman Denlea Packman Carton & Eberz PC
1311 Mamaroneck Avenue
White Plains, NY 10605

I declare under penalty of perjury that the above is true and correct.

Executed at San Francisco, California, this 22nd day of December, 2008.

Mia R. Gimenez
(typed)

/s/ Mia Gimenez
(signature)