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8 Attorneys for Defendant
 APPLE INC.

10 UNITED STATES DISTRICT COURT
 11 SOUTHERN DISTRICT OF CALIFORNIA

13 DAVID WALSH, an individual, on behalf of
 himself, and on behalf of all persons similarly
 14 situated,

15 Plaintiff,

16 v.

17 APPLE INC.; and DOES 1-10,

18 Defendants.

CASE NO. 08 CV 1410 JM POR

**DEFENDANT APPLE INC'S NOTICE
 OF MOTION AND MOTION TO
 TRANSFER VENUE PURSUANT TO
 28 U.S.C. § 1404(a)**

Date: November 14, 2008
 Time: 1:30 p.m.
 Dept.: 16
 Judge: Hon. Jeffrey T. Miller

1 TO PLAINTIFF DAVID WALSH AND HIS ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on November 14, 2008, at 1:30 p.m., or as soon thereafter
3 as the matter may be heard before the Honorable Jeffrey T. Miller, Courtroom 16 on the Fifth
4 Floor of the above Court, at 880 Front Street, San Diego, California, Defendant Apple Inc.
5 (“Apple”) will and hereby does move the Court, pursuant to 28 U.S.C. § 1404(a), for an order
6 transferring this action to the San Jose division of the Northern District of California.

7 The motion is based on this Notice, the accompanying Memorandum of Points and
8 Authorities, the Declaration of Heather Ramirez, pleadings and papers on file in this action, any
9 matter of which the Court may or must take judicial notice, any documentary evidence or oral
10 argument given at the hearing on the motion, and any other matter which the Court deems
11 appropriate.

12
13 Dated: September 23, 2008

LYNNE C. HERMLE
JOSEPH C. LIBURT
JESSICA R. PERRY
SITTHIKIT CHARİYASATIT
ORRICK, HERRINGTON & SUTCLIFFE LLP

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17 /s/ Jessica R. Perry
18 Jessica R. Perry
19 Attorneys for Defendant
20 APPLE INC.
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DECLARATION OF ELECTRONIC SERVICE

I, Tina McBride, am a citizen of the United States, more than eighteen years old and not a party to this action. My business address and place of employment is Orrick, Herrington & Sutcliffe LLP, 1000 Marsh Road, Menlo Park, California 94025.

I hereby certify that, on September 23, 2008, I have taken steps to cause the following documents:

DEFENDANT APPLE INC.’S NOTICE OF MOTION AND MOTION TO TRANSFER VENUE PURSUANT TO 28 U.S.C. § 1404(a)

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANT APPLE INC.’S MOTION TO TRANSFER VENUE PURSUANT TO 28 U.S.C. § 1404(a)

DECLARATION OF HEATHER RAMIREZ IN SUPPORT OF DEFENDANT APPLE INC.’S MOTION TO TRANSFER VENUE PURSUANT TO 28 U.S.C. § 1404(a)

when filed through the Electronic Case Filing (“ECF”) system, to be sent electronically to the registered participants as identified on the Notice of Electronic Filing (“NEF”), including the following:

Norman B Blumenthal
norm@bamllawlj.com

The NEF shows no non-registered participants.

Executed on September 23, 2008, in Menlo Park, California.

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

/s/ Tina McBride
Tina McBride