

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Plaintiff,

vs.

MARK D. PAPERMASTER,

Defendant.

08 Civ. 9078 (KMK)

**SUPPLEMENTAL DECLARATION
OF STEPHEN S. MADSEN**

I, Stephen S. Madsen, declare as follows:

1. I am a member of Cravath, Swaine & Moore LLP, counsel for plaintiff International Business Machines Corporation ("IBM"), and am a member of the Bar of this Court. I submit this supplemental declaration in further support of plaintiff's motion for a preliminary injunction.

2. A true and correct copy of selected pages of IBM's 2007 Annual Report on Form 10-K (Feb. 26, 2008) is attached hereto as Exhibit 1.

3. A true and correct copy of Tom Krazit, *Apple Hires Top IBM Chip Designer and Blade Server Guru*, CNet News, Oct. 30, 2008, http://news.cnet.com/8301-13579_3-10079494-37.html, is attached hereto as Exhibit 2.

4. A true and correct copy of Steven Burke, *Five Reasons IBM Is Scared of Losing Exec to Apple*, The Channel Wire, Oct. 31, 2008, <http://www.crn.com/hardware/211800562>, is attached hereto as Exhibit 3.

5. A true and correct copy of Prince McLean, *Apple Recruits Top Chip Designer, IBM Responds with Suit*, AppleInsider, Oct. 30, 2008,

http://www.appleinsider.com/articles/08/10/30/apple_recruits_top_chip_designer_ibm_responds_with_suit.html, is attached hereto as Exhibit 4.

6. A true and correct copy of Hoover's Report, *Apple Computer, Inc.* (2006), is attached hereto as Exhibit 5.

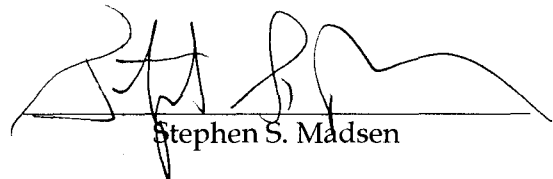
7. A true and correct copy of selected pages of Merrill Lynch, *Global Contenders & Defenders* (Nov. 3, 2008), is attached hereto as Exhibit 6.

8. A true and correct copy of a translation of the decision rendered in *De Mos/IBM Nederland NV*, No. 968215 KK EXPL 08-639 [District Court of Amsterdam], 13 Aug. 2008 (Neth.), is attached hereto as Exhibit 7.

9. A true and correct copy of Press Release, Apple Inc., Mark Papermaster Joins Apple as Senior Vice President of Devices Hardware Engineering (Nov. 4, 2008), <http://www.apple.com/pr/library/2008/11/04papermaster.html>, is attached hereto as Exhibit 8.

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

Executed: November 4, 2008
New York, New York


Stephen S. Madsen