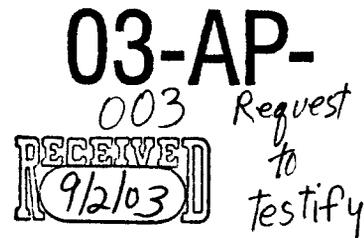


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August 29, 2003

By FedEx

Peter G. McCabe, Secretary
Committee on Rules of Practice and Procedure
Administrative Office of the United States Courts
Washington, DC 20544

Re: Request to Testify at January 26, 2004 Public Hearing

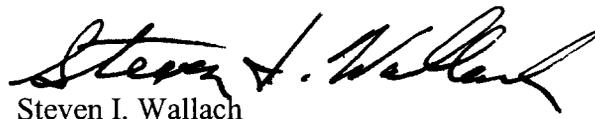
Dear Mr. McCabe:

I wish to testify at the January 26, 2004 public hearing in Washington on the proposed changes to the Federal Rules of Appellate Procedure. I am a patent lawyer, in practice for 17 years, primarily handling patent litigation. I am keenly interested in the proposed rule changes, having been involved in numerous cases before the U.S. Courts of Appeal, including:

- *Amazon.com, Inc. v. Barnesandnoble.com, Inc.*, 239 F.3d 1323 (Fed. Cir. 2001) (for defendant-appellant Barnesandnoble.com);
- *Apple Computer, Inc. v. Microsoft Corp. and Hewlett-Packard Co.*, 35 F.3d 1435 (9th Cir. 1994) (for defendant/cross-appellant Hewlett-Packard); and
- *Hewlett-Packard Co. v. Bausch & Lomb, Inc.*, (1991) (for plaintiff/cross-appellant Hewlett-Packard).

Please let me know if you need anything further.

Respectfully submitted,


Steven I. Wallach