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Attorneys for Defendants
and Counterclaim Plaintiff
Podfitness, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(OAKLAND DIVISION)

APPLE INC.,

Plaintiff,

v.

PODFITNESS, INC., and DOES 1-100,
inclusive,

Defendants.

Case No. C 06-5805 SBA

**STIPULATION AND [PROPOSED]
ORDER SETTING BRIEFING
SCHEDULE AND CONTINUING
HEARING DATE**

Honorable Sandra B. Armstrong

PODFITNESS, INC.,

Counterclaim Plaintiff

v.

APPLE INC.,

Counterclaim Defendant

1 WHEREAS Defendant and Counterclaim Plaintiff Podfitness, Inc. (“Podfitness”) filed its
2 Partial Motion for Summary Judgment on February 22, 2008 for a hearing on April 8, 2008, and
3 Plaintiff and Counterclaim Defendant Apple Inc.’s (“Apple”) opposition would be due on March
4 18, 2008;

5 AND WHEREAS the parties have produced supplemental discovery documents and
6 desire additional time to review such documents and prepare their respective opposition and reply
7 papers;

8 IT IS HEREBY STIPULATED by and between the parties, through their counsel of
9 record, that the briefing and hearing schedule on Podfitness’ Partial Motion for Summary
10 Judgment will be as follows:

- 11 • Apple’s Opposition papers shall be served and filed on **April 28, 2008**;
- 12 • Podfitness’ Reply papers shall be served and filed on **May 13, 2008**; and
- 13 • The parties request that Podfitness’ Partial Motion for Summary Judgment be
14 heard on **May 27, 2008**, if that date would be available and acceptable to the
15 Court.

16 Based on the foregoing, the parties respectfully request that the Court grant the parties
17 stipulated request.

18 Dated: March 18, 2008

FISH & RICHARDSON P.C.

20 By: /s/ Lisa M. Martens
21 Lisa M. Martens

22 Attorneys for Plaintiff and
23 Counterclaim Defendant
24 APPLE INC.

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Dated: March 18, 2008

MAGLEBY & GREENWOOD, P.C.

By: /s/ James E. Magleby
James E. Magleby

Attorneys for Defendants and
Counterclaim Plaintiff
PODFITNESS, INC.

DECLARATION OF CONSENT

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from James E. Magleby.

Dated: March 18, 2008

FISH & RICHARDSON P.C.

By: /s/ Lisa M. Martens
Lisa M. Martens

Attorneys for Plaintiff and
Counterclaim Defendant
APPLE INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: _____
United States District Judge

