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

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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.		
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20	By: /s/ Lisa M. Martens Lisa M. Martens		
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22	Attorneys for Plaintiff and Counterclaim Defendant		
23	APPLE INC.		
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1	Dated: March 18, 2008	MAGLEBY & GREENWOOD, P.C.
2		Dyr. /a/ Iamas E. Maglaby
3		By: /s/ James E. Magleby James E. Magleby
4		Attorneys for Defendants and
5		Counterclaim Plaintiff PODFITNESS, INC.
6	DECLARATION OF CONSENT	
7 8	Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under	
9	penalty of perjury that concurrence in the filing of this document has been obtained from James	
10	E. Magleby.	
11	Dated: March 18, 2008	FISH & RICHARDSON P.C.
12		
13		By: /s/ Lisa M. Martens Lisa M. Martens
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15		Attorneys for Plaintiff and Counterclaim Defendant
16		APPLE INC.
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18	PURSUANT TO STIPULATION, IT IS SO ORDERED:	
19	Details	
20	Dated:	United States District Judge
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PROOF OF SERVICE 1 I am employed in the County of San Diego. My business address is Fish & Richardson P.C., 2 12390 El Camino Real, San Diego, California 92130. I am over the age of 18 and not a party to the foregoing action. 3 I am readily familiar with the business practice at my place of business for collection and 4 processing of correspondence for personal delivery, for mailing with United States Postal Service, for facsimile, and for overnight delivery by Federal Express, Express Mail, or other overnight 5 service. 6 On March 18, 2008, I caused a copy of the following document(s): 7 STIPULATION AND [PROPOSED] ORDER SETTING BRIEFING SCHEDULE AND CONTINUING HEARING DATE 8 to be served on the interested parties in this action by placing a true and correct copy thereof, enclosed in a sealed envelope, and addressed as follows: 10 James M. Wagstaffe Attorneys For Defendant 11 Kerr & Wagstaffe LLP PODFITNESS, INC. 100 Spear Street, Suite 1800 12 San Francisco, CA 94105-1528 Telephone: (415) 371-8500 13 Facsimile: (415) 371-0500 14 James E. Magleby Attorneys For Defendant 15 Jason A. McNeill PODFITNESS, INC. Magleby & Greenwood, P.C. 16 170 South Main Street, Suite 350 Salt Lake City, UT 84101-3606 17 Telephone: (801) 359-9000 Facsimile: (801) 359-9011 18 19 **MAIL:** Such correspondence was deposited, postage fully paid, with the X United States Postal Service on the same day in the ordinary course 20 of business. 21 **ELECTRONIC** Such document was transmitted by electronic mail to the addressees' email addresses as stated above. MAIL: 22 23 I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. 24 I declare under penalty of perjury that the above is true and correct. Executed on 25 March 18, 2008, at San Diego, California. 26 /s/Nicole C. Pino Nicole C. Pino 27

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