1	David J. Miclean	James M. Wagstaffe		
2	(#115098/miclean@fr.com) FISH & RICHARDSON P.C.	Kerr & Wagstaffe LLP 100 Spear Street, Suite 1800		
3	500 Arguello Street, Suite 500 Redwood City, California 94063	San Francisco, CA 94105-1528 Telephone: (415) 371-8500		
4	Telephone: (650) 839-5070 Facsimile: (650) 839-5071	Facsimile: (415) 371-0500		
5	Lisa M. Martens	James E. Magleby Jason A. McNeill		
6	(#195824/martens@fr.com) Andrew M. Abrams	Magleby & Greenwood, P.C. 170 South Main Street, Suite 350 Solt Labor City, UT 84101 2606		
7	(#229698/abrams@fr.com) FISH & RICHARDSON P.C.	Salt Lake City, UT 84101-3606 Telephone: (801) 359-9000		
8	12390 El Camino Real San Diego, California 92130	Facsimile: (801) 359-9011		
9	Telephone: (858) 678-5070 Facsimile: (858) 678-5099	Attorneys for Defendants and Counterclaim Plaintiff		
10	Attorneys for Plaintiff and	Podfitness, Inc.		
11	Counterclaim Defendant APPLE INC.			
12	UNITED STATES DISTRICT COURT			
13	NORTHERN DISTRICT OF CALIFORNIA			
14	(OAKLAND DIVISION)			
15	APPLE INC.,	Case No. C 06-5805 SBA		
16	Plaintiff,	STIPULATION AND ORDER SETTING		
17	v.	BRIEFING SCHEDULE AND CONTINUING HEARING DATE		
18	PODFITNESS, INC., and DOES 1-100, inclusive,			
19		Honorable Saundra B. Armstrong		
20	Defendants.			
21	PODFITNESS, INC.,			
22	Counterclaim Plaintiff			
23	v.			
24	APPLE INC.,			
25	Counterclaim Defendant			
26				
27				
28				
	1	STIPULATION AND [PROPOSED] ORDER SETTING BRIEFING SCHEDULE AND CONTINUING HEARING DATE Case No. C 06-5805 SBA Dockets.Justia.con		

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 20, 2008FISH & RICHARDSON P.C.			
19				
20	By: /s/ Lisa M. Martens Lisa M. Martens			
21				
22	Attorneys for Plaintiff and Counterclaim Defendant			
23	APPLE INC.			
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	2 STIPULATION AND [PROPOSED] ORDER SETTING BRIEFING			

SCHEDULE AND CONTINUING HEARING DATE Case No. C 06-5805 SBA

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1	Dated: March 20, 2008	MAGLEBY & GREENWOOD, P.C.		
2		Due /s/ Jamas E. Maglaby		
3		By: <u>/s/ James E. Magleby</u> James E. Magleby		
4		Attorneys for Defendants and		
5		Counterclaim Plaintiff PODFITNESS, INC.		
6				
7	DECLARATION OF CONSENT			
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 20, 2008	FISH & RICHARDSON P.C.		
12				
13		By: /s/ Lisa M. Martens Lisa M. Martens		
14				
15		Attorneys for Plaintiff and Counterclaim Defendant		
16		APPLE INC.		
17				
18	IT IS HEREBY ORDERED:			
19	The motion hearing date is continued to	June 3, 2008, at 1:00 p.m.		
20				
21	Dated: <u>3/19/08</u>	ates District Judge		
22				
23				
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	3	STIPULATION AND [PROPOSED] ORDER SETTING BRIEFING		

1	PROOF OF SERVICE				
2 3	I am employed in the County of San Diego. My business address is Fish & Richardson P.C., 12390 El Camino Real, San Diego, California 92130. I am over the age of 18 and not a party to the foregoing action.				
4 5	I am readily familiar with the business practice at my place of business for collection and 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 service.				
6	On March 20, 2008, I caused a copy of the following document(s):				
7 8	STIPULATION AND [PROPOSED] ORDER SETTING BRIEFING SCHEDULE AND CONTINUING HEARING DATE				
9	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 11	James M. Wagstaffe Kerr & Wagstaffe LL		Attorneys For Defendant PODFITNESS, INC.		
12	100 Spear Street, Suite 1800 San Francisco, CA 94105-1528 Telephone: (415) 371-8500 Facsimile: (415) 371-0500				
13					
14					
15 16	James E. Magleby Jason A. McNeill Magleby & Greenwood, P.C. 170 South Main Street, Suite 350		Attorneys For Defendant PODFITNESS, INC.		
17 18	Salt Lake City, UT 84101-3606 Telephone: (801) 359-9000 Facsimile: (801) 359-9011				
19 20	X MAIL:		as deposited, postage fully paid, with the vice on the same day in the ordinary course		
21	ELECTRONIC MAIL:	Such document was tran email addresses as stated	smitted by electronic mail to the addressees' l above.		
22					
23 24	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.				
25	I declare under penalty of perjury that the above is true and correct. Executed on March 20, 2008, at San Diego, California.				
26	/s/Nicole C. Pino Nicole C. Pino				
27					
28		4	STIPULATION AND [PROPOSED] ORDER SETTING BRIEFING SCHEDULE AND CONTINUING HEARING DATE Case No. C 06-5805 SBA		