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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 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 20, 2008

FISH & RICHARDSON P.C.

19
20 By: /s/ Lisa M. Martens
Lisa M. Martens

21
22 Attorneys for Plaintiff and
23 Counterclaim Defendant
APPLE INC.

1 Dated: March 20, 2008

MAGLEBY & GREENWOOD, P.C.

2
3 By: /s/ James E. Magleby
James E. Magleby

4 Attorneys for Defendants and
5 Counterclaim Plaintiff
6 PODFITNESS, INC.

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 Attorneys for Plaintiff and
15 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: 3/19/08


United States District Judge

