Apple Computer, Inc. v. Podfitness, Inc.

Doc. 131

1	Pursuant to agreement and stipulation between the parties to the above-entitled lawsuit,
2	the above action (including all claims in the complaint, and any cross-action filed therein), are
3	hereby dismissed with prejudice.
4	Dated: June 10, 2008 FISH & RICHARDSON P.C.
5	
6	By: /s/ David J. Miclean
7	David J. Miclean
8	Attorneys for Plaintiff and
9	Counterclaim Defendant APPLE INC.
10	Dated: June 10, 2008 MAGLEBY & GREENWOOD, P.C.
11	
12	By: /s/ James E. Magleby James E. Magleby
13	
14	Attorneys for Defendants and Counterclaim Plaintiff
15	PODFITNESS, INC.
16	<u>DECLARATION OF CONSENT</u>
17	Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under
18	penalty of perjury that concurrence in the filing of this document has been obtained from James
19	E. Magleby.
20	Dated: June 10, 2008 FISH & RICHARDSON P.C.
21	
22	By: /s/ David J. Miclean
23	David J. Miclean
24	Attorneys for Plaintiff and Counterclaim Defendant
25	APPLE INC.
26	
27	
l	

1		
2	IT IS SO ORDERED:	
3	Dated: 6/9/08 Sanda B Ornstag	
	Honorable Saundra B. Armstong United States District Judge	
4	Officed States District Judge	
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20 21		
22		
23		
24		
25		
26		
27		

## PROOF OF SERVICE 1 I am employed in the County of San Mateo. My business address is Fish & Richardson P.C., 2 500 Arguello Street, Suite 500, Redwood City, California 94063. 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 June 10, 2008, I caused a copy of the following document(s): 7 STIPULATED DISMISSAL WITH PREJUDICE 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: 9 James M. Wagstaffe Attorneys For Defendant 10 Kerr & Wagstaffe LLP PODFITNESS, INC. 11 100 Spear Street, Suite 1800 San Francisco, CA 94105-1528 12 Telephone: (415) 371-8500 Facsimile: (415) 371-0500 13 Attorneys For Defendant 14 James E. Magleby Jason A. McNeill PODFITNESS, INC. 15 Magleby & Greenwood, P.C. 170 South Main Street, Suite 350 16 Salt Lake City, UT 84101-3606 Telephone: (801) 359-9000 17 Facsimile: (801) 359-9011 18 **MAIL:** Such correspondence was deposited, postage fully paid, with the X 19 United States Postal Service on the same day in the ordinary course of business. 20 **ELECTRONIC** Such document was transmitted by electronic mail to the addressees' 21 email addresses as stated above. MAIL: 22 I declare that I am employed in the office of a member of the bar of this Court at whose 23 direction the service was made. 24 I declare under penalty of perjury that the above is true and correct. Executed on June 10, 2008, at Redwood City, California. 25 /s/Diane M. Arceo-Lowenstein Diane M. Arceo-Lowenstein 26 27

28