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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  
  
**STIPULATED DISMISSAL WITH  
PREJUDICE**  
  
Honorable Sandra B. Armstrong

PODFITNESS, INC.,  
  
Counterclaim Plaintiff  
  
v.  
  
APPLE INC.,  
  
Counterclaim Defendant

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.

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.

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

14 Attorneys for Defendants and  
15 Counterclaim Plaintiff  
PODFITNESS, INC.

16 **DECLARATION OF CONSENT**

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.


22 By: /s/ David J. Miclean  
23 David J. Miclean

24 Attorneys for Plaintiff and  
25 Counterclaim Defendant  
APPLE INC.

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IT IS SO ORDERED:

Dated: 6/9/08

  
\_\_\_\_\_  
Honorable Sandra B. Armstrong  
United States District Judge

