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E-MAIL ONLY

RE: MEDIATION: Apple Computer, Inc., v. Podfitness, Inc., C 06-05805 SBA MED

Dear Counsel:

This will confirm we have scheduled the mediation in this case for **April 18, 2007**, in Mr. Miclean's office, Fish & Richardson, 500 Arguello Street, Suite 500, Redwood City, CA, **commencing at 10 a.m.** We agree to keep the whole day available to allow the process to continue as long as it is productive.

Please make sure the written statements described in ADR Rule 6 are **exchanged** and to me by **April 6**. You may supplement your memos with a separate confidential statement to me, filed at the same time. Email communications is appropriate. Please include any documents you feel I should read. Do not file these statements with the court.

Also, please arrange to have your clients (with full settlement authority) attend, as well as anyone else you believe will be helpful. You have indicated that Genevieve Busch and Lynn Miller will attend on behalf of Apple Computer, Inc., and Steve Hutchinson, vice president and general counsel of Podfitness, Inc., will attend.. You two, as lead counsel for this case, also will attend.

Per court ADR Rule 6, I will donate my preparation time and my time for the first four hours. If the process continues to be useful, and upon the agreement of all parties and me, I will continue to serve at the court-approved hourly rate.

I look forward to working with you on April 18.

KEN BRYANT