

1 Larry R. Laycock
 Charles J. Veverka
 Robert A. Aycock
 2 Mark W. Ford
 WORKMAN | NYDEGGER
 3 1000 Eagle Gate Tower
 60 East South Temple
 4 Salt Lake City, UT 84111
 Telephone: (801) 533-9800
 5 Facsimile: (801) 328-1707
 Email: llaycock@wnlaw.com
 6

7 William S. Farmer (State Bar No. 46694)
 Jacob Alpren (State Bar No. 235713)
 COLLETTE ERICKSON FARMER & O'NEILL LLP
 8 235 Pine Street, Suite 1300
 San Francisco, CA 94104
 9 Telephone: (415) 788-4646
 Facsimile: (415) 788-4646
 10 Email: wfarmer@collette.com

11 Attorneys for Defendant
 12 PODFITNESS, INC.

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION

17 APPLE COMPUTER, INC.,

18 Plaintiff,

19 v.

20 PODFITNESS, INC., and DOES 1-100,
 inclusive

21 Defendants.
 22

Civil Action No. 4:06-cv-05805 SBA

**DECLARATION OF MARK W. FORD
 IN SUPPORT OF DEFENDANT
 PODFITNESS, INC.'S MOTION TO STAY**

Date: May 1, 2007
 Time: 1:00 pm
 Courtroom: 3, 3rd Floor
 Judge: Hon. Sandra B. Armstrong

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 26 I, Mark W. Ford, declare under penalty of perjury that the following statements are true and
 27 correct:
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1. I am an associate of the Salt Lake City law firm Workman Nydegger, counsel for the defendant, Podfitness, Inc. (“Podfitness”).

2. I make this declaration based upon my own personal knowledge, and based upon records maintained by Workman Nydegger to which I have access in the course of fulfilling my duties for the firm and its clients.

3. According to the records available on the website for the United States Patent and Trademark Office, www.uspto.gov, plaintiff, Apple Computer, Inc. (“Apple”) is currently opposing over 100 trademark applications for marks that include the term “pod.”

4. Attached as Exhibit 1 hereto are selected pages of the prosecution history of U.S. Trademark Application Serial No. 78/089,144.

5. Attached as Exhibit 2 hereto are the cited pages of Apple’s Objections and Responses to Defendant Podfitness’ First Set of Interrogatories.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Salt Lake City, Utah on the 12th day of March, 2007.

 /s/ Mark W. Ford
Mark W. Ford

CERTIFICATE OF SERVICE

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I hereby certify that on March 12, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:
David James Miclean, miclean@fr.com.

WORKMAN NYDEGGER

/s/ Robert E. Aycock
ROBERT E. AYCOCK (Admitted *Pro Hac Vice*)
WORKMAN NYDEGGER
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111
Telephone: (801) 533-9800