

1 David J. Miclean (#115098/miclean@fr.com)
 FISH & RICHARDSON, P.C.
 2 500 Arguello Street, Suite 500
 Redwood City, California 94063
 3 Telephone: (650) 839-5070
 Facsimile: (650) 839-5071

4 Lisa M. Martens (#195824/martens@fr.com)
 FISH & RICHARDSON, P.C.
 5 12390 El Camino Real
 San Diego, California 92130
 6 Telephone: (858) 678-5070
 7 Facsimile: (858) 678-5099

8 Andrew M. Abrams (#229698/abrams@fr.com)
 FISH & RICHARDSON, P.C.
 9 12390 El Camino Real
 San Diego, California 92130
 10 Telephone: (858) 678-5070
 Facsimile: (858) 678-5099

11 Attorneys for Plaintiff
 12 APPLE COMPUTER, INC.

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 (OAKLAND DIVISION)

17 APPLE COMPUTER, INC.

18 Plaintiff,

19 v.

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

22 Defendants.

Case No. C 06-5805 SBA

**STIPULATION TO CONTINUE HEARING
 ON DEFENDANT'S MOTION TO STAY
 AND [PROPOSED] ORDER**

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

24 This stipulation is entered into by and between the parties and their respective counsel that the
 25 hearing on Defendant Podfitness, Inc.'s motion to stay scheduled for May 1, 2007 be moved to May 8,
 26 2007 at 1:00 pm in Courtroom 3 before the Honorable Sandra B. Armstrong.

27 It is further stipulated and agreed to that Plaintiff Apple Computer, Inc. has up to and including

1 April 17, 2007 to file its opposition to Defendant's motion to stay. Defendant Podfitness, Inc. has up
2 to and including April 24, 2007 to file its reply to plaintiff's opposition to defendant's motion to stay.

3 IT IS HEREBY STIPULATED.

4
5 DATED: April 3, 2007

FISH & RICHARDSON P.C.

6
7 By: /David J. Miclean/

David J. Miclean

Lisa M. Martens

Andrew M. Abrams

Attorneys for Plaintiff

APPLE COMPUTER, INC.

8
9
10
11 DATED: April 3, 2007

WORKMAN NYDEGGER

12
13 By: /Mark W. Ford/

Larry R. Laycock

Charles J. Veverka

Robert A. Aycock

Mark W. Ford

Attorneys for Defendant

PODFITNESS, INC.

14
15
16
17
18 **DECLARATION OF CONSENT**

19 Pursuant to General order No. 45, § X(B) regarding signatures, I attest under penalty of perjury
20 that concurrence in filing this document has been obtained from Mark W. Ford.

21 DATED: April 3, 2007

FISH & RICHARDSON P.C.

22
23 By: /David J. Miclean/

David J. Miclean

Lisa M. Martens

Andrew M. Abrams

Attorneys for Plaintiff

APPLE COMPUTER, INC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Based on the foregoing, and good cause appearing therefore,

IT IS HEREBY ORDERED that the hearing on Defendant Podfitness, Inc.'s motion to stay be continued to May 8, 2007 at 1:00 pm in Courtroom 3, with Plaintiff Apple Computer, Inc.'s opposition to be filed on April 17, 2007 and Defendant' Podfitness, Inc.'s reply to Plaintiff's opposition to be filed on April 24, 2007.

Dated: _____

Honorable Sandra B. Armstrong
UNITED STATES DISTRICT COURT JUDGE