

1 David J. Miclean (#115098/[miclean@fr.com](mailto: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

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

8 Andrew M. Abrams (#229698/[abrams@fr.com](mailto: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

12 Attorneys for Plaintiff  
 APPLE COMPUTER, INC.

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 (OAKLAND DIVISION)  
 16

17 APPLE COMPUTER, INC.

18 Plaintiff,

19 v.

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

22 Defendants.  
 23

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, 3<sup>rd</sup> 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/  
8 David J. Miclean  
9 Lisa M. Martens  
10 Andrew M. Abrams  
11 *Attorneys for Plaintiff*  
12 APPLE COMPUTER, INC.

13  
14 DATED: April 3, 2007

WORKMAN NYDEGGER

15 By: /Mark W. Ford/  
16 Larry R. Laycock  
17 Charles J. Veverka  
18 Robert A. Aycock  
19 Mark W. Ford  
20 *Attorneys for Defendant*  
21 PODFITNESS, INC.

22  
23 **DECLARATION OF CONSENT**

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

26 DATED: April 3, 2007

FISH & RICHARDSON P.C.

27 By: /David J. Miclean/  
28 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: 4/9/07

  
\_\_\_\_\_  
Honorable Sandra B. Armstrong  
UNITED STATES DISTRICT COURT JUDGE