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Attorneys for Plaintiff
 9 APPLE INC.

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 (OAKLAND DIVISION)
 13

14 APPLE COMPUTER, INC., (APPLE INC.)

Case No. C 06-5805 SBA

15 Plaintiff,

STIPULATION TO AMEND COMPLAINT

16 v.

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

18 Defendants.
 19

20
 21 1. Pursuant to Federal Rule of Civil Procedure 15(a), Apple Computer, Inc. ("Apple")
 22 and Podfitness, Inc. ("Podfitness"), by and through their respective counsel, hereby stipulate to
 23 permitting Apple to file its First Amended Complaint, attached hereto as Exhibit A¹.

24 2. Apple wishes to file its First Amended Complaint in order to reflect Apple's recent
 25 corporate name change. After Apple commenced this case, it officially changed its corporate
 26 name from Apple Computer, Inc. to Apple Inc. (Exhibit B is a certification from the California

27 ¹ In stipulating to the filing of Apple's First Amended Complaint, Defendant does not concede the
 28 merits of Apple's claims or waive its rights to bring a motion to dismiss Apple's First Amended

1 Secretary of State confirming the name change). Original plaintiff Apple Computer, Inc. – now
2 Apple Inc. – therefore requests that the case caption be amended to properly reflect this corporate
3 name change.

4 3. Apple also files its First Amended Complaint to include two additional causes of
5 action for breach of contract and cybersquatting. Apple contends that these additional causes of
6 action are based upon newly discovered evidence regarding Defendant’s actions.

7 4. Podfitness shall file its answer to Apple’s First Amended Complaint within 30 days
8 of the filing of this Stipulation with the Court.

9 5. The parties agree that all other deadlines contained in the January 25, 2007 Order
10 for Pretrial Preparation (Docket No. 23) shall remain in effect.

11 SO STIPULATED.

12 Respectfully submitted.

13 Dated: June 13, 2007

FISH & RICHARDSON P.C.

14
15 By: /David J. Miclean/

16 David J. Miclean

17 Lisa M. Martens

18 Andrew M. Abrams

Attorneys for Plaintiff

APPLE INC.

19 Dated: June 13, 2007

WORKMAN NYDEGGER

20
21 By: /Robert E. Aycock/

22 Charles J. Veverka

23 Robert E. Aycock

24 Brett I. Johnson

25 Attorneys for Defendant

PODFITNESS, INC.

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27
28 Complaint. Further, Apple stipulates to Podfitness amending its Answer in response to Apple’s
First Amended Complaint to include any additional defenses and counterclaims it may have.

DECLARATION OF CONSENT

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Robert E. Aycock.

Dated: June 13, 2007

FISH & RICHARDSON P.C.

By: /David J. Miclean/
David J. Miclean
Attorneys for Plaintiff
APPLE INC.

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PROOF OF SERVICE

I am employed in the County of San Diego. My business address is Fish & Richardson P.C., 12390 El Camino Real, San Diego, California 92130. I am over the age of 18 and not a party to the foregoing action.

I am readily familiar with the business practice at my place of business for collection and processing of correspondence for personal delivery, for mailing with United States Postal Service, for facsimile, and for overnight delivery by Federal Express, Express Mail, or other overnight service.

On June 13, 2007, I caused a copy of the following document(s):

STIPULATION TO AMEND COMPLAINT

to be served on the interested parties in this action by placing a true and correct copy thereof, enclosed in a sealed envelope, and addressed as follows:

William S. Farmer	Attorneys For Defendant
Jacob Alpern	PODFITNESS, INC.
Collette Erickson Farmer & O'Neill LLP	
235 Pine Street, Suite 1300	
San Francisco, CA 94104-2733	
Telephone: (415) 788-4646	
Facsimile: (415) 788-6929	

Charles J. Veverka	Attorneys For Defendant
Robert A. Aycock	PODFITNESS, INC.
Mark W. Ford	
Brett I. Johnson	
Workman, Nydegger & Seeley P.C.	
1000 Eagle Gate Tower	
60 East South Temple	
Salt Lake City, UT 84111	
Telephone: (801) 533-9800	
Facsimile: (801) 328-1707	

MAIL: Such correspondence was deposited, postage fully paid, with the United States Postal Service on the same day in the ordinary course of business.

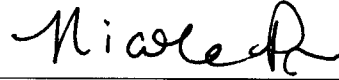
FACSIMILE: Such document was faxed to the facsimile transmission machine with the facsimile machine number stated above. Upon completion of the transmission, the transmitting machine issued a transmission report showing the transmission was complete and without error.

ELECTRONIC MAIL: Such document was transmitted by electronic mail to the addressees' email addresses as stated above.

FEDERAL EXPRESS: Such correspondence was deposited on the same day in the ordinary course of business with a facility regularly maintained by Federal Express.

1 I declare that I am employed in the office of a member of the bar of this Court at whose
2 direction the service was made.

3 I declare under penalty of perjury that the above is true and correct. Executed on June 13,
4 2007, at San Diego, California.



Nicole C. Pino

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