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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(OAKLAND DIVISION)

APPLE COMPUTER, INC.,

Plaintiff,

v.

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

Defendants.

Case No. C 06-5805 SBA

**[PROPOSED] ORDER GRANTING
STIPULATION TO AMEND
PLAINTIFF'S COMPLAINT**

AND NOW, the Court, having considered the stipulation to amend Apple Computer, Inc.'s ("Apple") complaint,

IT IS HEREBY ORDERED that the stipulation of the parties is approved. Plaintiff Apple Computer, Inc. ("Apple") may file its First Amended Complaint with the Court to reflect Apple's recent corporate name change, and to include two additional causes of action for breach of contract and cybersquatting which Apple contends are based upon newly discovered evidence regarding Defendant's actions. Defendant shall file its Answer or motion to dismiss Apple's First Amended Complaint within 30 days of the filing of the First Amended Complaint with the Court.

SO ORDERED, this ____ day of _____, 2007.

Honorable Sandra B. Armstrong
United States District Court

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1 **PROOF OF SERVICE**

2 I am employed in the County of San Diego. My business address is Fish & Richardson
3 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.

4 I am readily familiar with the business practice at my place of business for collection and
5 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
6 service.

7 On July 6, 2007, I caused a copy of the following document(s):

8 **[PROPOSED] ORDER GRANTING STIPULATION TO AMEND PLAINTIFF'S
COMPLAINT**

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

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

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

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

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

25 I declare under penalty of perjury that the above is true and correct. Executed on July 6,
26 2007, at San Diego, California.

27 

28 Nicole C. Pino