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11 Attorneys for Defendant  
 12 PODFITNESS, INC.

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

16 APPLE, INC.,

17 Plaintiff,

18 v.

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

21 Defendants.

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

**NOTICE AND SUBMISSION OF  
 DECLARATION OF STEVEN R.  
 HUTCHINSON, VP OF BUSINESS AND  
 LEGAL AFFAIRS FOR DEFENDANT  
 PODFITNESS, INC., REQUESTING A  
 TEMPORARY STAY IN LIGHT OF  
 COUNSELS' MOTION TO WITHDRAW**

Hon. Sandra B. Armstrong

1 At the request of Defendant Podfitness, Inc., Workman Nydegger submits the Declaration  
2 Of Steven R. Hutchinson, VP Of Business And Legal Affairs For Defendant Podfitness, Inc.,  
3 Requesting A Temporary Stay In Light of Counsels' Motion To Withdraw ("Hutchinson  
4 Declaration"). The Hutchinson Declaration is attached hereto as Exhibit 1.

5 Because Workman Nydegger has not yet been granted leave to withdraw as counsel, it  
6 submits the Hutchinson Declaration at the request of Defendant Podfitness, Inc. As such,  
7 Workman Nydegger does not necessarily assent to the statements included in the Hutchinson  
8 Declaration. Additionally, to the extent the Hutchinson Declaration contends that the withdrawal  
9 of current counsel will critically prejudice Podfitness, Inc., Workman Nydegger respectfully  
10 disagrees for the reasons stated in its Notice and Motion for Leave to Withdraw as Counsel.

11  
12 DATED: September 26, 2007.

Respectfully submitted,

WORKMAN | NYDEGGER

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14  
15 /s/ Charles J. Veverka  
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17 60 East South Temple  
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25  
26 Attorneys for Defendant and Counterclaimant  
27 Podfitness, Inc.

**PROOF OF SERVICE**

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I hereby certify that on September 26, 2007, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which sent notification of such filing to the following: [Abrams@fr.com](mailto:Abrams@fr.com); [jacobalpren@quinnemanuel.com](mailto:jacobalpren@quinnemanuel.com); [raycock@wnlaw.com](mailto:raycock@wnlaw.com); [wfarmer@collette.com](mailto:wfarmer@collette.com); [rlawrence@collette.com](mailto:rlawrence@collette.com); [llaycock@wnlaw.com](mailto:llaycock@wnlaw.com); [jlewis@wnlaw.com](mailto:jlewis@wnlaw.com); [martens@fr.com](mailto:martens@fr.com); [miclean@fr.com](mailto:miclean@fr.com); [cveverka@wnlaw.com](mailto:cveverka@wnlaw.com) and served Podfitness' in-house counsel separately at [shutchinson@podfitness.com](mailto:shutchinson@podfitness.com).

DATED September 26, 2007.

WORKMAN | NYDEGGER

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Podfitness, Inc.