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KERR & WAGSTAFFE LLP
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ATTORNEYS FOR PODFITNESS, INC.

FILED
DEC -6 PM 3:43
CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

J
Free Pd.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

APPLE, INC.,

Plaintiff,

v.

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

Defendants.

Case No. 4:06-cv-05805 SBA

**APPLICATION FOR ADMISSION OF
ATTORNEY *PRO HAC VICE***

Signature via facsimile

1 Pursuant to Civil L.R. 11-3, James E. Magleby, an active member in good standing of the
2 State Bar of Utah, hereby applies for admission to practice in the Northern District of California
3 on a *pro hac vice* basis representing in the above-entitled action.

4 In support of this application, I certify on oath that:

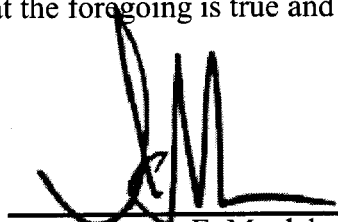
5 1. I am an active member in good standing of a United States Court or of the highest
6 court of another State or the District of Columbia, as indicated above;

7 2. I agree to abide by the Standards of Professional Conduct set forth in Civil Local
8 Rule 11-4, to comply with General Order No. 45, Electronic Case Filing, and to become familiar
9 with the Local Rules and the Alternative Dispute Resolution programs of this Court; and,

10 3. An attorney who is a member of the bar of this Court in good standing and who
11 maintains an office within the State of California has been designated as co-counsel in the above-
12 entitled action. The name, address and telephone number of that attorney is James M.
13 Wagstaffe, Esq., Kerr & Wagstaffe LLP, 100 Spear Street, Suite 1800, San Francisco, CA
14 94105, telephone (415) 371-8500.

15 I declare under penalty of perjury that the foregoing is true and correct.

16
17
18 Dated: December 5, 2007



James E. Magleby

PROOF OF SERVICE

I, Sarah Smoot, declare that I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Kerr & Wagstaffe LLP, 100 Spear Street, Suite 1800, San Francisco, California 94105.

On December 5, 2007, I served the following document(s):

- **Application for Admission of Attorney *Pro Hac Vice***

on the parties listed below as follows:

| | |
|--|---|
| David J. Miclean Fish & Richardson P.C. 500 Arguello Street, Suite 500 Redwood City, CA 94063 | Lisa M. Martens Andrew M. Abrams Fish & Richardson P.C. 12390 El Camino Real San Diego, CA 92130 |
| William S. Farmer Jacob Alpern Collette Erickson Farmer & O'Neill LLP 235 Pine Street, Suite 1300 San Francisco, CA 94104-2733 | Charles J. Veverka Robert A. Aycock Mark W. Ford Brett I. Johson Workman, Nydegger & Seeley P.C. 1000 Eagle Gate Tower 60 East South Temple Salt Lake City, UT 84111 |
| James E. Magleby Magleby & Greenwood, P.C. 170 South Main Street, Suite 350 Salt Lake City, Utah 84101 | |


By first class mail by placing a true copy thereof in a sealed envelope with postage thereon fully prepaid and placing the envelope in the firm's daily mail processing center for mailing in the United States mail at San Francisco, California.

By facsimile machine (FAX) by personally transmitting a true copy thereof via an electronic facsimile machine.

By Federal Express or overnight courier.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 5, 2007, at San Francisco, California.



Sarah Smoot

Court Name: U.S. District Court, NDCA
Division: 4
Receipt Number: 44611001587
Cashier ID: lenahac
Transaction Date: 12/06/2007
Payer Name: Kerr and Wagstaffe LLP

PRO HAC VICE
For: James E. Manley
Case/Party: D-CAR-4-07-AT-PROHAC-001
Amount: - \$210.00

CHECK
Check/Money Order Num: 9519
Amt Tendered: \$210.00

Total Due: \$210.00
Total Tendered: \$210.00
Change Amt: \$0.00

4:06-cv-05805-SBA

Checks and drafts are accepted
subject to collections and full
credit will only be given when the
check or draft has been accepted by
the financial institution on which
it was drawn.