

1 David J. Miclean (#115098/miclean@fr.com)
 FISH & RICHARDSON P.C.
 500 Arguello Street, Suite 500
 2 Redwood City, California 94063
 Telephone: (650) 839-5070
 3 Facsimile: (650) 839-5071

4 Lisa M. Martens (#195824/martens@fr.com)
 Andrew M. Abrams (#229698/abrams@fr.com)
 5 FISH & RICHARDSON P.C.
 12390 El Camino Real
 6 San Diego, California 92130
 Telephone: (858) 678-5070
 7 Facsimile: (858) 678-5099

8 Attorneys for Plaintiff and
 Counterclaim Defendant
 9 APPLE INC.

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

13 APPLE INC.,
 14 Plaintiff,
 15 v.
 16 PODFITNESS, INC., and DOES 1-100,
 17 inclusive,
 18 Defendants.
 19

Case No. C 06-5805 SBA

**APPLE INC.'S NOTICE OF
 WITHDRAWAL OF ITS MOTION TO
 QUASH PODFITNESS' NOTICE OF
 DEPOSITION UNDER RULE 30(b)(6)**

Honorable Joseph C. Spero

20 PODFITNESS, INC.,
 21 Counterclaim Plaintiff
 22 v.
 23 APPLE INC.,
 24 Counterclaim Defendant
 25

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE THAT** in light of the parties' stipulated request for an order
3 extending all discovery and pretrial deadlines in this case, Apple Inc. hereby withdraws the
4 following motion:

5 Motion To Quash Podfitness' Notice Of Deposition Under Rule 30(b)(6), and
6 supporting pleadings.

7 Dated: December 19, 2007

FISH & RICHARDSON P.C.

8

9

By: /s/ Lisa M. Martens/
Lisa M. Martens

10

11

Attorneys for Plaintiff
APPLE INC.

12

13 10796602.doc

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

