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15 Attorneys for Defendant and Counterclaim-Plaintiff
 16 Apple Inc.

17 **UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA**
 19 **OAKLAND DIVISION**

19 AFFINITY LABS OF TEXAS, LLC, a
 20 Texas Limited Liability Company,
 21 Plaintiff and
 Counterclaim-Defendant,
 22 v.
 23 APPLE INC., a California Corporation,
 24 Defendant and
 25 Counterclaim-Plaintiff.

CASE NO. CV 09-4436-CW

**STIPULATION REGARDING DIAMOND
 AND DNNA PRODUCTS, SOFTWARE,
 AND DOCUMENTS; ORDER**

Judge: Hon. Claudia Wilken

1 IT IS HEREBY STIPULATED by and between Plaintiff and Counterclaim-Defendant
2 Affinity Labs of Texas, LLC (“Affinity”) and Defendant and Counterclaim-Plaintiff Apple Inc.
3 (“Apple”) as follows:

4 WHEREAS, Apple obtained and has made available to Affinity for inspection samples of
5 a product called the Rio 500 player shown in pictures produced in this case with bates numbers
6 179AppleCA0066557 - 179AppleCA0066563 and 179AppleCA0207576 - 179AppleCA0207580
7 (“Rio 500”);

8 WHEREAS, Apple produced a Getting Started Guide for the Rio 500 with bates numbers
9 179AppleCA0013804 - 179AppleCA0013805 (“Rio 500 Guide”);

10 WHEREAS, Apple produced software entitled RioPort Audio Manager Versions 2.0 and
11 2.1 for use with the Rio 500 and having bates numbers 179AppleCA0020269,
12 179AppleCA0203155, 179AppleCA0207350, and 179AppleCA0207381 (“RioPort Software”);

13 WHEREAS, Apple obtained and has made available to Affinity for inspection samples of
14 a product called the Rio 600 player shown in pictures produced in this case with bates numbers
15 179AppleCA0066564 - 179AppleCA0066581 (“Rio 600”);

16 WHEREAS, Apple produced a document entitled Rio 600 Getting Started Guide having
17 bates numbers 179AppleCA0020874 - 179AppleCA0020903 (“Rio 600 Guide”);

18 WHEREAS, Apple produced software entitled Rio Audio Manager Version 3.3 having
19 bates number 179AppleCA0022063 (“Rio Audio Manager 3.3”);

20 WHEREAS, Apple obtained and has made available to Affinity for inspection samples of
21 a product called the Rio 800 player shown in pictures produced in this case with bates numbers
22 179AppleCA0066593 - 179AppleCA0066599 (“Rio 800”);

23 WHEREAS, Apple produced a document entitled Rio 800 Getting Started Guide having
24 bates numbers 179AppleCA0022005 - 179AppleCA0022024 (“Rio 800 Guide”);

25 WHEREAS, Apple produced software entitled Rio Audio Manager Version 3.4 having
26 bates number 179AppleCA0203156 (“Rio Audio Manager 3.4”);

1 WHEREAS, Apple obtained and has made available to Affinity for inspection samples of
2 a product called the psa[play player shown in pictures produced in this case with bates numbers
3 179AppleCA0066582 - 179AppleCA0066591 (“psa[play”);

4 WHEREAS, Apple produced a document entitled psa[play Getting Started Guide having
5 bates numbers 179AppleCA0022064 - 179AppleCA0022073 (“psa[play Guide”);

6 WHEREAS, Apple produced software entitled Nike Audio Manager having bates number
7 179Apple-CA0022091 (“Nike Audio Manager”);

8 WHEREAS, Digital Networks North America, Inc. produced a document having bates
9 numbers DNNA000001-DNNA000034;

10 WHEREAS, Apple’s Patent L.R. 3-3 Invalidity Contentions identify the Rio 500, Rio 500
11 Guide, RioPort Software, Rio 600, Rio 600 Guide, Rio Audio Manager 3.3, Rio 800, Rio 800
12 Guide, Rio Audio Manager 3.4, psa[play, psa[play Guide, and Nike Audio Manager;

13 NOW, THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN THE
14 PARTIES HERETO, THROUGH THEIR RESPECTIVE COUNSEL AND SUBJECT TO THE
15 APPROVAL OF THE COURT, AS FOLLOWS:

- 16 1. The Rio 500, Rio 500 Guide, RioPort Software, Rio 600, Rio 600 Guide, Rio
17 Audio Manager 3.3, Rio 800, Rio 800 Guide, Rio Audio Manager 3.4, psa[play,
18 psa[play Guide, Nike Audio Manager, and DNNA000001-DNNA000034 are
19 authentic under Federal Rule of Evidence 901; and
- 20 2. The Rio 500 Guide, RioPort Software, Rio 600 Guide, Rio Audio Manager 3.3,
21 Rio 800 Guide, Rio Audio Manager 3.4, psa[play Guide, Nike Audio Manager, and
22 DNNA000001-DNNA000034 are records of regularly conducted activity under
23 Federal Rule of Evidence 803(6);

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Dated: March 16, 2011

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Attorneys for Defendant and Counterclaim-
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Dated: March 16, 2011

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LLC

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Pursuant to General Order No. 45 X(B), I hereby attest that concurrence in the filing of this document has been obtained from Jordan T. Fowles.

Dated: March 16, 2011

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PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: 3/31/2011



Honorable Claudia Wilken
United States District Judge