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7 *Attorneys for Defendant*  
 APPLE INC.

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN JOSE DIVISION

12 NAOTAKA KITAGAWA, JR., TIMOTHY J.  
 13 BROAD AND JESSE REISMAN, on behalf of  
 themselves and all others similarly situated,  
 14 Plaintiffs,  
 15 v.  
 16 APPLE INC., and, DOES 1 THROUGH 50,  
 17 inclusive  
 18 Defendant.

Case No. C-09 01911 RS  
**CLASS ACTION**  
**STIPULATION EXTENDING TIME TO RESPOND TO FIRST AMENDED COMPLAINT**  
**[N.D. CAL. CIVIL L.R. 6-1(A)]**  
 Courtroom 4, 5th Floor  
 Magistrate Judge Richard Seeborg  
 Complaint Filed: May 1, 2009  
 Trial Date: None Set

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1 Pursuant to Northern District Civil Local Rule 6-1(a), it is hereby stipulated by and  
2 between plaintiffs Naotaka Kitagawa, Jr., Timothy J. Broad, and Jesse Reisman and defendant  
3 Apple Inc. ("Apple"), through their respective attorneys, that the time by which Apple may plead  
4 or otherwise respond to the First Amended Complaint shall be extended to and including July 10,  
5 2009. There have been no previous modifications of any deadlines in this case and the stipulated  
6 extension does not affect the initial case management conference, currently scheduled for  
7 September 2, 2009.

8 Dated: May 22, 2009

PENELOPE A. PREVOLOS  
ANDREW D. MUHLBACH  
HEATHER A. MOSER  
MORRISON & FOERSTER LLP

11 By: /s/ Heather Moser  
Heather A. Moser

13 *Attorneys for Defendant*  
APPLE INC.

14 Dated: May 22, 2009

STEVEN A. SKALET  
CRAIG L. BRISKIN  
MEHRI & SKALET, PLLC

HELEN I. ZELDES  
ALREEN HAEGGQUIST  
ZELDES AND HAEGGQUIST, LLP

20 By: /s/ Helen Zeldes  
Helen I. Zeldes

22 *Attorneys for Plaintiffs*  
NAOTAKA KITAGAWA, JR.,  
TIMOTHY J. BROAD AND JESSE  
REISMAN

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I, Heather A. Moser, am the ECF user whose ID and password are being used to file this Stipulation Extending Time to Respond to First Amended Complaint. In compliance with General Order 45.X.B, I hereby attest that Helen I. Zeldes has concurred in this filing.

Dated: May 22, 2009

PENELOPE A. PREOVOLOS  
ANDREW D. MUHLBACH  
HEATHER A. MOSER  
MORRISON & FOERSTER LLP

By: /s/ Heather A. Moser  
Heather A. Moser  
  
*Attorneys for Defendant*  
APPLE INC.

1 **CERTIFICATE OF SERVICE**

2 I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address  
3 is 425 Market Street, San Francisco, California 94105-2482. I am not a party to the within cause,  
4 and I am over the age of eighteen years.

5 I further declare that on May 22, 2009, I served a copy of:

6 **STIPULATION EXTENDING TIME TO RESPOND TO FIRST AMENDED**  
7 **COMPLAINT**

8  **BY U.S. MAIL [FRCP § 5(b)]** by placing a true copy thereof enclosed in a sealed  
9 envelope with postage thereon fully prepaid, addressed as follows, for collection and  
10 mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California  
11 94105-2482 in accordance with Morrison & Foerster LLP's ordinary business  
12 practices.

13 I am readily familiar with Morrison & Foerster LLP's practice for collection and  
14 processing of correspondence for mailing with the United States Postal Service, and  
15 know that in the ordinary course of Morrison & Foerster LLP's business practice the  
16 document(s) described above will be deposited with the United States Postal Service  
17 on the same date that it (they) is (are) placed at Morrison & Foerster LLP with postage  
18 thereon fully prepaid for collection and mailing.

19 **Steven A Skalet**  
20 Mehri & Skalet, PLLC  
21 1250 Connecticut Avenue NW  
22 Suite 300  
23 Washington, DC 20036

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

26 Executed at San Francisco, California, this 22<sup>nd</sup> day of May, 2009.

27 \_\_\_\_\_  
28 Carol J. Peplinski  
(typed)

\_\_\_\_\_  
/s/ Carol J. Peplinski  
(signature)

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**ATTESTATION OF E-FILED SIGNATURE**

I, Heather A. Moser, am the ECF User whose ID and password are being used to file this Proof of Service. In compliance with General Order 45, X.B., I hereby attest that Carol J. Peplinski has read and approved this Proof of Service and consents to its filing in this action.

Dated: May 22, 2009.

MORRISON & FOERSTER LLP

\_\_\_\_\_/s/ Heather A. Moser\_\_\_\_

Heather A. Moser