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Filing date: **04/17/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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|------------------------|--|
| Proceeding | 91171199 |
| Party | Plaintiff Apple Computer, Inc. |
| Correspondence Address | Jennifer D. Arkowitz Townsend and Townsend and Crew LLP 2 Embarcadero Center 8th Floor San Francisco, CA 94111-3834 UNITED STATES jda@townsend.com, mcm@townsend.com, d1h@townsend.com, v1t@townsend.com, litdoceting@townsend.com |
| Submission | Other Motions/Papers |
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| Signature | /jennifer d. arkowitz/ |
| Date | 04/17/2008 |
| Attachments | Stip to Amend App.pdf (3 pages)(66875 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application No. 78/590,316
Filed: March 18, 2005
Published: May 2, 2006 in the Official Gazette
For: **PODIBLE**

APPLE INC.,

Opposer,

vs.

MEMBRAIN LLC,

Applicant.

Opposition No. 91171199

**STIPULATION TO AMEND
APPLICATION**

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Dear Madam:

The parties hereby stipulate to Applicant's amendment of the recitation of services in International Class 35 of Application Serial No. 78/590,316 for the mark **PODIBLE** to read in its entirety as follows:

"promoting the services of others through distribution of podcasts via the internet, excluding the sale of digital audio and/or video players and software used in connection with digital audio and/or video players"

The proposed amendment is limiting in nature, and thus in compliance with Trademark Rules 2.71 and 2.75. Opposer, Apple Inc., consents to entry of the above amendment in accordance with Trademark Rule 2.133.

Upon entry of the above-amendment, the parties will file a stipulation dismissing the opposition.

TOWNSEND and TOWNSEND and CREW LLP

Respectfully submitted,

Dated: 4/17/08

By: Jennifer D. Arkowitz
Margaret C. McHugh
Jennifer D. Arkowitz
Attorneys for Opposer

GRODSKY & OLECKI LLP

Respectfully submitted,

Dated: 4/17/08

By: Allen B. Grodsky
Allen B. Grodsky
Attorney for Applicant

CERTIFICATE OF SERVICE

On April 17, 2008, I served the foregoing **STIPULATION TO AMEND APPLICATION** on the party(ies) in said action by depositing a true copy thereof with the United States Postal Service as first class mail, postage prepaid, at San Francisco, California, enclosed in a sealed envelope addressed as follows:

Allen B. Grodsky, Esq.
Grodsky & Olecki LLP
2001 Wilshire Boulevard, Suite 210
Santa Monica, CA 90403



Dena T. Hong-Yee

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