

1 TOWNSEND AND TOWNSEND AND CREW LLP
 JAMES G. GILLILAND, JR. (State Bar No. 107988)
 2 MEHRNAZ BOROUMAND SMITH (State Bar No. 197271)
 MEGAN M. CHUNG (State Bar No. 232044)
 3 J. JEB B. OBLAK (State Bar No. 241384)
 Two Embarcadero Center, Eighth Floor
 4 San Francisco, CA 94111
 Telephone: (415) 576-0200
 5 Facsimile: (415) 576-0300
 Email: jggilliland@townsend.com
 6 mboroumand@townsend.com
 mmchung@townsend.com
 7 jboblak@townsend.com

8 Attorneys for Plaintiff and Counterdefendant
 APPLE INC.

9
 10 UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION
 13

14 APPLE INC., a California corporation,
 15 Plaintiff,
 16 v.
 17 PSYSTAR CORPORATION,
 a Florida corporation, and DOES 1-10,
 18 inclusive,
 19 Defendants.

Case No. CV 08-03251 WHA

**MISCELLANEOUS ADMINISTRATIVE
 REQUEST FOR AN ORDER
 PERMITTING APPLE TO FILE APPLE
 INC.’S REPLY TO PSYSTAR
 CORPORATION’S SUPPLEMENTAL
 BRIEFING ON THE RELEVANCE OF
 TOPIC 3 TESTIMONY, DEFENDANT’S
 MOTION TO COMPEL AND
 PLAINTIFF’S CROSS-MOTION FOR A
 PROTECTIVE ORDER**

20 AND RELATED COUNTERCLAIMS
 21

22 Plaintiff and counterdefendant Apple Inc. (“Apple”) submits this Administrative Request
 23 pursuant to Civil Local Rule 7-11 and to the Minute Order of this Court dated August 20, 2009 for
 24 permission to file a reply to address issues raised by Psystar Corporation (“Psystar”) in its
 25 supplemental letter brief of August 27, 2009, which Psystar had not previously raised in either the
 26 meet and confer process or at the hearing on August 20, 2009. Psystar’s Brief of August 27, 2009
 27 contains, for the first time, Psystar’s contentions that Apple’s product line profit margins are relevant
 28 to Apple’s trademark infringement claim, to the injunctive relief that Apple seeks, and to Psystar’s

MISCELLANEOUS ADMINISTRATIVE REQUEST FOR AN ORDER PERMITTING APPLE TO
 FILE APPLE INC.’S REPLY TO PSYSTAR CORPORATION’S SUPPLEMENTAL BRIEFING,
 CASE NO. CV 08-03251 WHA

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1 copyright misuse counterclaim. As Apple did not have a chance to address any of these newly-raised
2 issues, Apple now respectfully seeks leave of the Court to file a reply brief, a true and correct copy of
3 which is attached hereto as Exhibit 1.

4 Apple has met and conferred with Psystar regarding this Administrative Motion, but the
5 parties' could not come to agreement. See Declaration of Mehrnaz Boroumand Smith in Support of
6 Apple's Miscellaneous Administrative Motion filed concurrently with this motion.

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8 DATED: September 2, 2009

Respectfully submitted,

TOWNSEND AND TOWNSEND AND CREW LLP

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11 By: /s/ James G. Gilliland, Jr.

James G. Gilliland, Jr.

12 Attorneys for Plaintiff and Counterdefendant
13 APPLE INC.

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