

**EXHIBIT 3
TO
DECLARATION OF MEHRNAZ BOROUMAND SMITH
IN SUPPORT OF APPLE INC.'S ADMINISTRATIVE
MOTION SEEKING LEAVE OF COURT TO FILE A
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**

Boroumand Smith, Mehrnaz

From: Boroumand Smith, Mehrnaz
Sent: Tuesday, September 01, 2009 9:08 PM
To: 'K.A.D. Camara'; 'Timothy Nyberg'; 'radford@camarasibley.com'; 'Noah D. Radbil'; 'David Welker'
Cc: Gilliland, James G.; Chung, Megan M.; Oblak, Jeb B.; Gee, Tyler J.
Subject: FW: STIPULATION TO ALLOW APPLE TO FILE ITS REPLY TO PSYSTAR CORPORATION'S SUPPLEMENTAL BRIEFING ON THE RELEVANCE OF TOPIC 3 TESTIMONY.DOC

Attachments: STIPULATION TO ALLOW APPLE TO FILE ITS REPLY TO PSYSTAR CORPORATION'S SUPPLEMENTAL BRIEFING ON THE RELEVANCE OF TOPIC 3 TESTIMONY.DOC

Kiwi and team:

I am following up with Jeb's email below and my voicemail message to Kiwi. Please let us know whether you are okay with our filing the stipulation attached below. Per my voicemail, we would like to file the administrative motion together with our reply tonight.

Thanks,

Mehrnaz

From: Oblak, Jeb B.
Sent: Tuesday, September 01, 2009 5:02 PM
To: 'camara@camarasibley.com'; 'radford@camarasibley.com'
Cc: 'david.welker@werolaw.com'; Gee, Tyler J.; Boroumand Smith, Mehrnaz; Chung, Megan M.
Subject: STIPULATION TO ALLOW APPLE TO FILE ITS REPLY TO PSYSTAR CORPORATION'S SUPPLEMENTAL BRIEFING ON THE RELEVANCE OF TOPIC 3 TESTIMONY.DOC

Kiwi:

Attached is the stipulation that you discussed with Tyler this afternoon. Per your agreement, we have included language indicating that Psystar does not oppose Apple's filing of a Reply. Please let us know if you are OK with us filing this stipulation.

Thanks,

Jeb



STIPULATION TO
ALLOW APPLE TO .