

townsend.

James G. Gilliland, Jr.
(415) 273 7560
jggilliland@townsend.com

September 3, 2009

Via Electronic Filing

Honorable William Alsup
United States District Court
450 Golden Gate Avenue
Courtroom 9, 19th Floor
San Francisco, CA 94102

Re: *Apple Inc. v. Psystar Corp.*, Case No. C 08-03251 WHA

Dear Judge Alsup:

Had Psystar met and conferred with Apple, as it is required to do by the Court's Local Rules 1-5(n), 37-1 and Supplemental Order ¶25, it would never have filed this motion. Had Psystar actually met and conferred, it would have learned that: (1) Apple produced the document Psystar falsely claims was not produced; (2) Apple produced documents in a manner agreed to by Psystar's prior counsel, and which both parties have used since December 2008; (3) Apple would have clarified Psystar's misunderstandings about a footnote in Apple's expert report; and (4) Apple will provide the witness sought by Psystar regarding Snow Leopard. Each of these responses is discussed below in the order raised by Psystar in its letter.

[REDACTED]

[REDACTED]

[REDACTED]

townsend.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Hon. William Alsup
September 3, 2009
Page 3

townsend.

[REDACTED]

[REDACTED]

[REDACTED]

Respectfully yours,

/s/ James G. Gilliland, Jr.

James G. Gilliland, Jr.
Counsel for Apple Inc.

[REDACTED]

[REDACTED]

[REDACTED]