

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

8 Attorneys for Plaintiff and Counterdefendant
 9 APPLE INC.

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

13 APPLE INC., a California corporation,

14 Plaintiff,

15 v.

16 PSYSTAR CORPORATION, a Florida
 corporation, and DOES 1-10, inclusive,

17 Defendants.

18 AND RELATED COUNTERCLAIMS

Case No. CV 08-03251 WHA

**[PROPOSED] ORDER GRANTING
 APPLE INC.'S MOTION TO DISMISS
 OR ENJOIN RECENTLY-FILED
 FLORIDA ACTION AND RE-OPEN
 DISCOVERY FOR LIMITED PURPOSES**

Date: September 24, 2009
 Time: 8:00 a.m.
 Courtroom: 9
 Trial Date: January 11, 2010

1 Plaintiff and Counterdefendant Apple Inc.'s ("Apple") Motion To Dismiss or Enjoin
2 Recently-Filed Florida Action and Re-Open Discovery For Limited Purposes was heard by this
3 Court on September 24, 2009. Having considered the papers and arguments of counsel, the Court
4 **GRANTS** Apple's motion and **ORDERS** the following:

- 5 1. Psystar Corporation ("Psystar") is hereby ORDERED to dismiss the Florida action
6 (*Psystar Corp. v. Apple Inc.*, No. 09-22535 CIV Hoeveler) without prejudice;
- 7 2. Psystar is hereby ENJOINED from prosecuting the Florida action;
- 8 3. Psystar is hereby ENJOINED from filing any other lawsuit or other proceeding against
9 Apple except in the Northern District of California, San Francisco Division;
- 10 4. For a period of 45 days from the date of the filing of this Order, fact discovery in the
11 above-captioned case is re-opened for limited, narrowly-tailored discovery regarding
12 how Psystar is causing Mac OS X Snow Leopard to run on its computers;
- 13 5. Apple may supplement its opening technical expert report to address Mac OS X Snow
14 Leopard; and
- 15 6. Apple may supplement its Initial Disclosures under Federal Rule of Civil Procedure
16 26(e) to address Mac OS X Snow Leopard.

17 **IT IS SO ORDERED.**

18
19 DATED: _____, 2009

William Alsup
United States District Judge

20
21 62212124 v1
22
23
24
25
26
27
28