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12 Attorneys for Plaintiff and Counterdefendant
 APPLE INC.

13
 14 UNITED STATES DISTRICT COURT
 15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

18 APPLE INC.,

19 Plaintiff,

20 v.

21 PSYSTAR CORPORATION, a Florida
 corporation,

22 Defendant.

23 AND RELATED COUNTERCLAIMS.

Case No. 08-3251 WHA

**MISCELLANEOUS ADMINISTRATIVE
 REQUEST TO FILE UNDER SEAL
 PORTIONS OF APPLE INC.'S MOTION
 FOR SUMMARY JUDGMENT,
 PORTIONS OF LYNDE DECLARATION,
 KELLY DECLARATION AND CERTAIN
 EXHIBITS TO CHUNG DECLARATION**

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 26 Plaintiff and counterdefendant Apple Inc. ("Apple") submits this Administrative Request
 27 pursuant to Civil Local Rules 7-11 and 79-5(c), for permission to file under seal portions of the
 28 Motion For Summary Judgment on Copyright Infringement, DMCA Violations And Psystar's

1 Affirmative Defenses, portions of the Lynde Declaration In Support Thereof, the Kelly
2 Declaration In Support Thereof, and Exhibits 3-16, 23, 41, 62-64 and 69 to Chung Declaration In
3 Support Thereof. These documents contain highly confidential testimony and reference highly
4 confidential business and technical information from documents regarding confidential trade
5 secret and technical information that has been designated as Confidential or Confidential
6 Attorneys' Eyes Only under the Stipulated Protective Order approved by the Court on March 2,
7 2009. This information consists of source code, descriptions of highly confidential technical
8 processes, descriptions of software development practices, non-public business plans and other
9 business information that might harm that parties' competitive standing if made public. The
10 undersigned declares that the request is narrowly tailored to seal only those materials for which
11 compelling reasons to seal have been established. Pursuant to Civil Local Rule 79-5(c), a sealed
12 copy of the above-described document is being lodged with the clerk.

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14 DATED: October 8, 2009

Respectfully submitted,

TOWNSEND AND TOWNSEND AND CREW LLP

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

JAMES G. GILLILAND, JR.

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19 Attorneys for Plaintiff and Counterdefendant
APPLE INC.

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21 62247274 v1
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CERTIFICATE OF SERVICE

I, **Esther Casillas**, declare I am employed in the City and County of San Francisco, California in the office of a member of the bar of this court at whose direction this service was made. I am over the age of eighteen and not a party to this action. My business address is Townsend and Townsend and Crew LLP, Two Embarcadero Center, Eighth Floor, San Francisco, California, 94111.

I served the following documents exactly entitled: **MISCELLANEOUS ADMINISTRATIVE REQUEST TO FILE UNDER SEAL PORTIONS OF APPLE INC.'S MOTION FOR SUMMARY JUDGMENT, PORTIONS OF LYNDE DECLARATION, KELLY DECLARATION AND CERTAIN EXHIBITS TO CHUNG DECLARATION**

on the interested parties in this action following the ordinary business practice of Townsend and Townsend and Crew LLP, as follows:

K.A.D. Camara Kent Radford Camara & Sibley LLP 2339 University Boulevard Houston, TX 77005 Phone: 713-893-7973 Fax: 713-583-1131 Email: camara@camarasibley.com	Eugene Action 1780 E. Barstow Avenue, #5 Fresno, CA 93710 Email: eugeneaction@hotmail.com
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[By First Class Mail] I am readily familiar with my employer's practice for collecting and processing documents for mailing with the United States Postal Service. On the date listed herein, following ordinary business practice, I served the within document(s) at my place of business, by placing a true copy thereof, enclosed in a sealed envelope, with postage thereon fully prepaid, for collection and mailing with the United States Postal Service where it would be deposited with the United States Postal Service that same day in the ordinary course of business.

[By Overnight Courier] I caused each envelope to be delivered by a commercial carrier service for overnight delivery to the offices of the addressee(s).

[By Hand] I directed each envelope to the party(ies) so designated on the service list to be delivered by courier this date.

[By Facsimile Transmission] I caused said document to be sent by facsimile transmission to the fax number indicated for the party(ies) listed above.

[By Electronic Transmission] I caused said document to be sent by electronic transmission to the e-mail address indicated for the party(ies) listed above via the court's ECF notification system.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed on October 8, 2009, at San Francisco, California.

/s/ Esther Casillas
Esther Casillas