

Exhibit B

RE: MSJ -- AEO Materials

★ **Gilliland, James G.** to Camara, griley, Boroum: [show details](#) Oct 8 (3 days ago) [Reply](#)

Dear Kiwi:

Thanks for surfacing this issue in advance. Apple believes the materials it marked confidential or highly confidential were done so appropriately. And Psystar has never objected to any of the designations as required under the Protective Order. Of course we do not know what evidence Psystar intends to cite in support of its summary judgment motion, but insist that it be filed under seal until the parties agree it need not be. Apple certainly believes there are compelling reasons its technological protection mechanism and testimony about it, as well as at least certain portions of its resellers agreements, should not be publicly available. If you want to reveal to us today specifically what you intend to file then we can meet and confer about the level of confidentiality needed today. I will ask Jeb Oblak in our office to be available for this purpose. I have copied him on this email.

Alternatively, we can confer after the briefs and declarations are filed under seal about what materials, if any, can be unsealed. That seems like the more rational process to me since some portions of documents or testimony may be more sensitive than others. Indeed, I suggest we include in our respective administrative motions to seal a representation to the Court that the parties are going to meet and confer further on this issue.

Meanwhile, let me be clear that Apple believes any filing by Psystar that does not honor the current terms of the Protective Order, including the requirement that confidential materials be filed under seal, to be a violation of that Order subject to a motion for contempt.

Sincerely yours,

Jim