

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

8 O'MELVENY & MYERS LLP
 GEORGE RILEY (State Bar No. 118304)
 9 Two Embarcadero Center, 28th Floor
 San Francisco, CA 94111
 10 Telephone: (415) 984-8700
 Facsimile: (415) 984-8701
 11 Email: griley@omm.com

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
 24 AND RELATED COUNTERCLAIMS.

Case No. 08-3251 WHA

**MISCELLANEOUS ADMINISTRATIVE
 REQUEST TO FILE UNDER SEAL
 PORTIONS OF APPLE INC.'S
 OPPOSITION TO PSYSTAR
 CORPORATION'S MOTION FOR
 SUMMARY JUDGMENT,
 PARAGRAPH 2 OF THE KELLY
 DECLARATION AND PORTIONS OF
 EXHIBIT 2 TO THE BOROUHAND
 SMITH DECLARATION IN
 OPPOSITION TO SAME**

25
 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 its
 28 Opposition to Psystar Corporation's Summary Judgment Motion, paragraph 2 of the Declaration

1 of Dr. John P. J. Kelly and portions of Exhibit 2 to Boroumand Smith Declaration in Opposition to
2 Psystar's Motion for Summary Judgment. These documents contain material that has been
3 designated as Confidential or Confidential Attorneys' Eyes Only under the Stipulated Protective
4 Order approved by the Court on March 2, 2009. This information consists of detailed discussions
5 of Apple's technological protection measures and the actions taken by Psystar to circumvent those
6 measures. As discussed in detail in Apple's Reply in Support of Its Motion To Seal Portions Of
7 Apple's Motion For Summary Judgment (Docket No. 188), this confidential business information
8 can harm Apple's competitive standing if made public. The undersigned declares that the request
9 is narrowly tailored to seal only those materials for which there are compelling reasons to file the
10 material under seal.

11 Pursuant to Civil Local Rule 79-5(c), a sealed copy of the above-described document(s) is
12 being lodged with the clerk.

13 DATED: October 22, 2009

Respectfully submitted,

TOWNSEND AND TOWNSEND AND CREW LLP

14
15
16 By: /s/J. Jeb B. Oblak
17 J. JEB B. OBLAK

18 Attorneys for Plaintiff and Counterdefendant
19 APPLE INC.

20 62271251 v1

CERTIFICATE OF SERVICE

I, Diane G. Sunnen, 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 OPPOSITION TO PSYSTAR CORPORATION'S MOTION FOR SUMMARY JUDGMENT, PARAGRAPH 2 OF THE KELLY DECLARATION AND PORTIONS OF EXHIBIT 2 TO THE BOROUMAND SMITH DECLARATION IN OPPOSITION TO SAME 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
Attorney at Law
1780 E. Barstow Avenue, #5
Fresno, CA 93710
Email: eugeneaction@hotmail.com

[X] [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.

[X] [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 22, 2009, at San Francisco, California.

/s/Diane G. Sunnen
Diane G. Sunnen