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12 Attorneys for Plaintiff and Counterdefendant
 13 APPLE INC.

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
 22 corporation,

23 Defendant.

24 AND RELATED COUNTERCLAIMS.

Case No. 08-3251 WHA

**[PROPOSED] ORDER DENYING
 PSYSTAR CORPORATION'S MOTION
 FOR SUMMARY JUDGMENT**

Hearing Date: November 12, 2009
 Hearing Time: 2:00 p.m.
 Courtroom: 9
 Judge: Hon. William Alsup
 Trial Date: January 11, 2010

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Defendant Psystar Corporation’s (“Psystar”) Motion For Summary Judgment was heard by this Court on November 12, 2009. Having considered the papers and arguments of counsel, the Court **DENIES** Psystar’s motion for summary judgment.

IT IS SO ORDERED.

DATED: _____, 2009

Hon. William H. Alsup
United States District Judge

62277095 v1

1 **CERTIFICATE OF SERVICE**

2 I, **Diane G. Sunnen**, declare I am employed in the City and County of San Francisco,
3 California in the office of a member of the bar of this court at whose direction this service was
4 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.

5 I served the following documents exactly entitled: **[PROPOSED] ORDER DENYING**
6 **PSYSTAR CORPORATION'S MOTION FOR SUMMARY JUDGMENT**

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

9 K.A.D. Camara 10 Kent Radford 11 Camara & Sibley LLP 12 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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13 [By First Class Mail] I am readily familiar with my employer's practice for
14 collecting and processing documents for mailing with the United States Postal Service. On the date
15 listed herein, following ordinary business practice, I served the within document(s) at my place of
16 business, by placing a true copy thereof, enclosed in a sealed envelope, with postage thereon fully
17 prepaid, for collection and mailing with the United States Postal Service where it would be
18 deposited with the United States Postal Service that same day in the ordinary course of business.

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

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

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

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

28 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 23, 2009, at San
Francisco, California.

/s/ Diane G. Sunnen
Diane G. Sunnen