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10 Attorneys for Defendant/Counterclaimant  
 11 PSYSTAR CORPORATION

12  
 13 IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 14 SAN FRANCISCO DIVISION

15 APPLE INC., a California corporation,  
 16 *Plaintiff,*  
 17 v.  
 18 PSYSTAR CORPORATION,  
 19 *Defendants.*  
 20 AND RELATED COUNTERCLAIMS

CASE NO. CV-08-03251-WHA

**REPORT REGARDING  
 COMPLIANCE WITH INJUNCTION**

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1                                   **REPORT REGARDING COMPLIANCE WITH INJUNCTION**

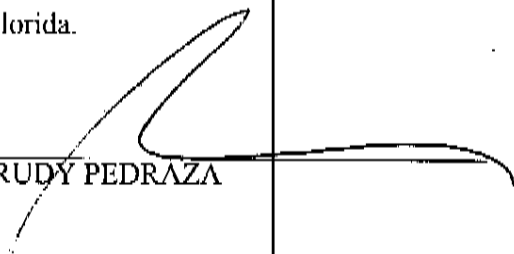
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- 3           1.     My name is Rudy Pedraza. I am the CEO of Psystar Corporation. I was personally
- 4                 responsible for the steps that Psystar has taken to comply with this Court's injunction.
- 5           2.     Psystar had already stopped selling computers with Mac OS X preinstalled when the
- 6                 Court's order came down. The only product that Psystar was selling when the Court's
- 7                 order came down was Rebel EFI.
- 8           3.     Psystar ceased selling Rebel EFI two days after the Court's order came down. Since
- 9                 then, Psystar has not sold or offered for sale any products that include Mac OS X, that
- 10                facilitate running Mac OS X on non-Apple hardware, or that otherwise come within
- 11                the terms of the injunction.
- 12
- 13           4.     Psystar posted on its web site a statement expressing its disagreement with this
- 14                 Court's summary judgment order and stating its intention to appeal that order to the
- 15                 Ninth Circuit and to continue the fight in Miami. Psystar respects that this Court has
- 16                 made its decision and has no intention of defying that decision, but intends to appeal
- 17                 it through all available legal channels.
- 18
- 19           5.     Pursuant to an agreement between counsel for both parties memorialized in an email,
- 20                 counsel for Psystar is retaining one copy of Rebel EFI (and prior versions of Rebel
- 21                 EFI) and all software used in connection with running OS X on non-Apple computers
- 22                 for use in subsequent litigation. This includes the invited declaratory judgment
- 23                 proceeding in this Court and the ongoing litigation in Miami. Counsel for Apple has
- 24                 specifically stated that Apple does not wish this Court's injunction to be construed to
- 25                 require the destruction of evidence that is relevant to the ongoing litigation between
- 26                 Apple and Psystar.
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- 28           6.     Psystar and its principals have destroyed all their copies of Rebel EFI. The only copy

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of the Rebel EFI source code that now exists is in the hands of counsel for Psystar pursuant to the agreement between the parties.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and ability.

Executed on December 31, 2009, at Miami, Florida.

  
RUDY PEDRAZA

1 **CERTIFICATE OF SERVICE**

2 I, Michael Wilson, declare I am employed in the City of Houston and County of Harris, Texas  
3 in the office of Camara & Sibley. I am over the age of eighteen and not a party to this action. My  
4 business address is Camara & Sibley, 2339 University Boulevard, Houston, Texas 77005.

5 I served the following document(s):

6 **REPORT REGARDING COMPLIANCE WITH INJUNCTION**  
7 Case No. CV 08-03251 WHA

8 on the interested parties in this action by placing a true and correct copy thereof, on the above date,  
9 enclosed in a sealed envelope, following the ordinary business practice of Camara & Sibley LLP. I  
10 sent the document(s) to the following:

11 James G. Gilliland, Jr. 12 TOWNSEND AND TOWNSEND AND CREW LLP 13 Two Embarcadero Center, 8 <sup>th</sup> Floor 14 San Francisco, California 94111 15 Telephone: (415) 576-0200 16 Facsimile: (415) 576-0300	17 email: jggilliland@townsend.com
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18  [By First Class Mail] I am readily familiar with my employer's practice for collecting  
19 and processing documents for mailing with the United States Postal Service. On the date listed herein,  
20 following ordinary business practice, I served the within document(s) at my place of business, by  
21 placing a true copy thereof, enclosed in a sealed envelope, with postage thereon fully prepaid, for  
22 collection and mailing with the United States Postal Service where it would be deposited with the  
23 United States Postal Service that same day in the ordinary course of business.

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

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

28  [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 December 31, 2009 at  
Houston, Texas.

29 /s/ Michael Wilson  
30 Michael Wilson