

FILED
2010 JAN 14 P 12:46
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

See p 10
TDO gmc

1 K.A.D. CAMARA (TX Bar No. 24062646/
MA Bar No. 661087 – *Admitted Pro Hac Vice*)
2 *camara@camarasibley.com*
3 KENT RADFORD (TX Bar No. 24027640 –
Admitted Pro Hac Vice)
radford@camarasibley.com
4 CAMARA & SIBLEY LLP
2339 University Boulevard
5 Houston, Texas 77005
Telephone: (713) 893-7973
6 Facsimile: (713) 583-1131

7 EUGENE ACTION (SBN 223023)
eugeneaction@hotmail.com
8 1780 E. Barstow Ave., #5
Fresno, California 93710
9 Telephone: (559) 283-9772
Facsimile: (559) 642-2843

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

NOTICE OF APPEAL

NOTICE OF APPEAL

Notice is hereby given that the defendant, Psystar Corporation, hereby appeals to the United States Court of Appeals for the Ninth Circuit from the final judgment (Docket No. 243), entered on December 15, 2009; the order granting plaintiff's motion for permanent injunction (Docket No. 242), entered on December 15, 2009; the order regarding cross motions for summary judgment (Docket No. 214), entered on November 13, 2009; all orders granting motions to seal papers filed in connection with dispositive motions (Docket Nos. 207-213), entered on November 13, 2009; the order regarding defendant's motion to compel and plaintiff's cross-motion for protective order (Docket No. 150), entered on September 23, 2009; and all other orders entered in this case that are adverse to the defendant.

Dated: January 13, 2010

Respectfully submitted,
CAMARA & SIBLEY LLP

By: /s/ K.A.D. Camara _____
K.A.D. Camara

*Attorney for Defendant / Counterclaimant
Psystar Corporation*

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 **NOTICE OF APPEAL**

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 Two Embarcadero Center, 8 th Floor San Francisco, California 94111 Telephone: (415) 576-0200 Facsimile: (415) 576-0300	email: jggilliland@townsend.com
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------

13 [By First Class Mail] I am readily familiar with my employer's practice for collecting
14 and processing documents for mailing with the United States Postal Service. On the date listed herein,
15 following ordinary business practice, I served the within document(s) at my place of business, by
16 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.

17 [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).

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

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

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

23 I declare under penalty of perjury under the laws of the United States of America that the
24 foregoing is true and correct, and that this declaration was executed on January 13, 2010 at Houston,
Texas.

25 /s/ Michael Wilson
26 Michael Wilson