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14 Attorneys for Plaintiff  
 15 APPLE INC.

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA  
 18 SAN FRANCISCO DIVISION

19 APPLE INC., a California corporation,

20 Plaintiff,

21 v.

22 PSYSTAR CORPORATION, a Florida  
 23 corporation,

24 Defendant.

CASE NO. CV-08-03251-WHA

**JOINT REQUEST AND STIPULATION  
 TO RESCHEDULE HEARING ON  
 PSYSTAR CORPORATIONS' MOTION  
 FOR LEAVE TO AMEND AND  
 25 ~~PROPOSED~~ ORDER RESCHEDULING  
 HEARING ON PSYSTAR  
 CORPORATIONS' MOTION FOR  
 LEAVE TO AMEND**

25 Date: Thursday, January 15, 2009  
 26 Time: 8:00 a.m.  
 Courtroom: 9, 19th Floor  
 27 Judge: Hon. William Alsup

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WHEREAS on December 8, 2008, Defendant Psystar Corporation (“Psystar”) filed a Motion for Leave to Amend (*see* Docket No. 40) and noticed the hearing for January 15, 2009;

WHEREAS Psystar and Apple Inc. (“Apple”) have met and conferred regarding Psystar’s request to reschedule the hearing on Psystar’s Motion for Leave to Amend, and the respective deadlines for the parties’ opposition and reply briefs, in light of holiday and counsel’s schedules;

THEREFORE, Psystar and Apple hereby declare and jointly request pursuant to Civil Local Rule 6-2 that the Court reschedule the hearing on Psystar’s Motion for Leave to Amend presently calendared for January 15, 2009 to January 22, 2009, or some date thereafter that is otherwise convenient for and acceptable to the Court. The parties also respectfully request that that the deadline for Apple to file an Opposition to Psystar’s Motion for Leave to Amend, currently set for December 24, 2008, be rescheduled to December 31, 2008, and that that the deadline for Psystar to file a Reply in support of Psystar’s Motion for Leave to Amend, currently set for December 31, 2008, be rescheduled to January 7, 2009. The parties have previously stipulated to extend the time to respond to Apple’s complaint and Psystar’s counterclaims pursuant to Civil Local Rule 6-1. None of those extensions modified or affected the existing pretrial schedule. Neither does the instant request; this extension does not affect any of the Court’s deadlines or the schedule set forth in the Court’s case management order.

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Dated: December 22, 2008

Respectfully submitted,

CARR & FERRELL *LLP*

By: /s/ Colby B. Springer  
ROBERT J. YORIO  
COLBY B. SPRINGER  
CHRISTOPHER P. GREWE  
Attorneys for Defendant  
PSYSTAR CORPORATION

TOWNSEND AND TOWNSEND AND CREW *LLP*

By: /s/ James Gilliland, Jr.  
JAMES G. GILLILAND, JR.  
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Attorneys for Plaintiff  
APPLE INC.

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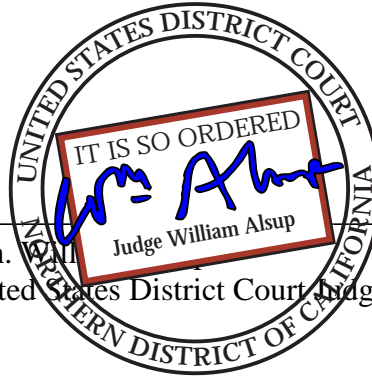
**ORDER**

Pursuant to the stipulation, this Court GRANTS the parties' request and reschedules the January 15, 2009 hearing on Psystar's Motion for Leave to Amend to January 22, 2009 at 8:00 a.m. in Courtroom 9 of the United State District Court for the Northern District of California, San Francisco Division. The deadline for Apple to file an Opposition to Psystar's Motion for Leave to Amend is December 31, 2008. The deadline for Psystar to file a Reply in support of Psystar's Motion for Leave to Amend is January 7, 2009.

IT IS SO ORDERED.

DATED: December 23, 2008

Hon. \_\_\_\_\_  
United States District Court Judge



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General Order 45 Attestation of Signatures

Pursuant to General Order No. 45(X)(B), I, Colby B. Springer, hereby attest that I have obtained the concurrence in the filing of this document from all the signatories for whom a signature is indicated by a “conformed” signature (/s/) within this e-filed document and I have on file records to support this concurrence for subsequent production for the court if so ordered or for inspection upon request.

\_\_\_\_\_  
/s/  
Colby B. Springer