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 18 PSYSTAR CORPORATION

19 UNITED STATES DISTRICT COURT
 20 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 21 SAN FRANCISCO DIVISION

22 APPLE INC., a California corporation,
 23 Plaintiff,

24 v.

25 PSYSTAR CORPORATION, a Florida
 corporation, and DOES 1-10, inclusive,
 26 Defendants.

27 AND RELATED COUNTERCLAIMS
 28

Case No. CV 08-03251 WHA (BZ)

**STIPULATION TO CONTINUE
 SETTLEMENT CONFERENCE AND
 [PROPOSED] ORDER**

1 Pursuant to Civil Local Rule 6-2, Plaintiff and Counterdefendant Apple Inc. and Defendant
2 and Counterclaimant Psystar Corporation, hereby request a continuance of the settlement
3 conference until after the August 21, 2009 close of fact discovery deadline.

4 As set forth in the Court's July 10, 2009 Order Scheduling Settlement Conference (Dkt. No.
5 75), the settlement conference is currently set for July 30, 2009. With the close of fact discovery
6 and the deadline for opening expert reports scheduled for August 21, 2009, the parties are busily
7 conducting depositions, reviewing and producing documents and otherwise working to complete
8 their discovery. Moreover, Psystar's counsel, Kiwi Camara and David Welker, just substituted into
9 the case on July 17, 2009. They are working expeditiously to familiarize themselves with the facts
10 and issues in the case and have requested a later settlement conference. Apple does not object to
11 this request.

12 Thus, the parties respectfully request that the settlement conference be rescheduled for the
13 earliest date on which the Court and the parties are available after August 21, 2009. Both parties
14 and their counsel are available on September 4, 10, 11, 24 and 25, 2009 and propose those dates as
15 alternatives to the currently scheduled July 30, 2009 date. This request for extension is the first
16 such request and is well before the January 11, 2010 trial date. There are no other deadlines that
17 will be impacted by the continuance. Hence, the continuance should not have any effect on the
18 schedule for this case.

19 IT IS, THEREFORE, STIPULATED by the parties, through their undersigned counsel and
20 subject to approval of the Court, that the date of the settlement conference be extended until after
21 the close of fact discovery in this case.

22
23 DATED: July 23, 2009

TOWNSEND AND TOWNSEND AND CREW LLP

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25 By: /s/ James G. Gilliland, Jr.
26 James G. Gilliland, Jr.

27 Attorneys for Plaintiff and Counterdefendant
28 APPLE INC.

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DATED: July 23, 2009

CAMARA & SIBLEY LLP

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

Attorneys for Defendant and Counterclaimant
PSYSTAR CORP.

Pursuant to the Stipulation between the parties, and good cause having been shown, the Court HEREBY GRANTS a continuance of the settlement conference, which shall now take place on _____, 2009.

IT IS SO ORDERED.

By: _____
Bernard Zimmerman
United States Magistrate Judge

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GENERAL ORDER ATTESTATION

I, Mehrnaz Boroumand Smith am the ECF user whose ID and password are being used to file this **STIPULATION TO CONTINUE SETTLEMENT CONFERENCE AND [PROPOSED] ORDER**. In compliance with General Order 45, X.B., I hereby attest that K.A.D. Camara has concurred in this filing.

/s/ Mehrnaz Boroumand Smith
MEHRNAZ BOROUMAND SMITH

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townsend.