

1 TOWNSEND AND TOWNSEND AND CREW LLP  
 2 JAMES G. GILLILAND, JR. (State Bar No. 107988)  
 3 MEHRNAZ BOROUMAND SMITH (State Bar No. 197271)  
 4 MEGAN M. CHUNG (State Bar No. 232044)  
 5 J. JEB B. OBLAK (State Bar No. 241384)  
 6 Two Embarcadero Center Eighth Floor  
 7 San Francisco, CA 94111  
 Telephone: (415) 576-0200  
 Facsimile: (415) 576-0300  
 Email: jggilliland@townsend.com  
 Email: mboroumand@townsend.com  
 Email: mmchung@townsend.com  
 Email: jboblak@townsend.com

8 Attorneys for Plaintiff and Counterdefendant  
 9 APPLE INC.

10 UNITED STATES DISTRICT COURT  
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN FRANCISCO DIVISION

14 APPLE INC.,

15 Plaintiff,

16 v.

17 PSYSTAR CORPORATION, a Florida  
 18 corporation, and DOES 1-10, inclusive,

19 Defendants.

20 AND RELATED COUNTERCLAIMS.

Case No. 08-3251 WHA

**NOTICE OF VOLUNTARY DISMISSAL  
 OF DOE DEFENDANTS WITHOUT  
 PREJUDICE PURSUANT TO FED. R.  
 CIV. P. 41(a)**

21  
 22 Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff and Counterdefendant Apple  
 23 Inc., by and through its attorneys of record, hereby gives notice of dismissal without prejudice of all  
 24 claims, against the Doe defendants (DOES 1-10) in the above-captioned matter.

25 ///

26 ///

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED: October 6, 2009

Respectfully submitted,  
TOWNSEND AND TOWNSEND AND CREW LLP

By: /s/James G. Gilliland, Jr.  
James G. Gilliland, Jr.  
Attorneys for Plaintiff and Counterdefendant  
APPLE INC.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I, Esther Casillas, declare I am employed in the City and County of San Francisco, California in the office of a member of the bar of this court at whose direction this service was 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.

I served the following documents exactly entitled: **NOTICE OF VOLUNTARY DISMISSAL OF DOE DEFENDANTS WITHOUT PREJUDICE PURSUANT TO FED. R. CIV. P. 41(a)** on the interested parties in this action following the ordinary business practice of Townsend and Townsend and Crew LLP, as follows:

K.A.D. Camara  
Camara & Sibley LLP  
2339 University Boulevard  
Houston, TX 77005  
Phone: 713-893-7973  
Fax: 713-583-1131  
Email: camara@camarasibley.com

Eugene Action  
Attorney at Law  
1780 E. Barstow Avenue, #5  
Fresno, CA 93710  
Email: eugeneaction@hotmail.com

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

[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).

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

[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 October 6, 2009, at San Francisco, California.

/s/Esther Casillas  
Esther Casillas

62244139 v1