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12 Attorneys for Plaintiff and Counterdefendant
 APPLE INC.

13
 14 UNITED STATES DISTRICT COURT
 15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

18 APPLE INC.,

19 Plaintiff,

20 v.

21 PSYSTAR CORPORATION, a Florida
 corporation,

22 Defendant.

23
 24 AND RELATED COUNTERCLAIMS.

Case No. 08-3251 WHA

**DECLARATION OF DR. JOHN P.J.
 KELLY IN SUPPORT OF APPLE INC.'S
 MOTION FOR SUMMARY JUDGMENT
 REGARDING PSYSTAR'S COPYRIGHT
 INFRINGEMENT, DMCA VIOLATIONS
 AND CERTAIN AFFIRMATIVE
 DEFENSES**

Hearing Date: November 12, 2009
 Hearing Time: 8:00 a.m.
 Courtroom: 9
 Judge: Hon. William Alsup
 Trial Date: January 11, 2010

26 **CONFIDENTIAL – ATTORNEYS' EYES ONLY**
 27 **FILED UNDER SEAL**
 28 **PURSUANT TO PROTECTIVE ORDER**