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

14 APPLE INC., a California corporation,

15 *Plaintiff,*

16 v.

17 PSYSTAR CORPORATION,

18 *Defendants.*

19 AND RELATED COUNTERCLAIMS

CASE NO. CV-08-03251-WHA

**PSYSTAR CORPORATION'S  
 NOTICE OF MOTION FOR  
 SUMMARY JUDGMENT**

20  
 21 **NOTICE OF MOTION FOR SUMMARY JUDGMENT**

22 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

23 PLEASE TAKE NOTICE that on November 12, 2009, or as soon thereafter as the matter may  
 24 be heard in the courtroom of the Honorable William Alsup, located at 450 Golden Gate Avenue, San  
 25 Francisco, California 94102, Defendant and Counterclaimant Psystar Corporation will move for  
 26 Summary Judgment. The summary judgment motion will be based on this Notice of Motion, the brief  
 27 included in this motion, all records, pleadings and Orders in this action, and such further argument as  
 28

1 this Court may permit.

2  
3 Dated: October 8, 2009

Respectfully submitted,

4  
5 CAMARA & SIBLEY LLP

6  
7 By: /s/ K.A.D. Camara \_\_\_\_\_  
K.A.D. Camara

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11 *Attorneys 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 PSYSTAR CORPORATION’S NOTICE OF MOTION FOR SUMMARY JUDGMENT  
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 13 Two Embarcadero Center, 8 <sup>th</sup> Floor 14 San Francisco, California 94111 15 Telephone: (415) 576-0200 16 Facsimile: (415) 576-0300	17 email: <a href="mailto:jggilliland@townsend.com">jggilliland@townsend.com</a>
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18  [By First Class Mail] I am readily familiar with my employer's practice for collecting  
19 and processing documents for mailing with the United States Postal Service. On the date listed herein,  
20 following ordinary business practice, I served the within document(s) at my place of business, by  
21 placing a true copy thereof, enclosed in a sealed envelope, with postage thereon fully prepaid, for  
22 collection and mailing with the United States Postal Service where it would be deposited with the  
23 United States Postal Service that same day in the ordinary course of business.

24  [By Overnight Courier] I caused each envelope to be delivered by a commercial carrier  
25 service for overnight delivery to the offices of the addressee(s).

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

28  [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 8, 2009 at Houston,  
Texas.

*/s/ Michael Wilson*  
\_\_\_\_\_  
Michael Wilson