

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

8 Attorneys for Plaintiff and Counterdefendant  
 APPLE INC.

9  
 K.A.D. CAMARA (TX Bar No. 24062646)  
 10 Admitted *Pro Hac Vice*  
 CAMARA & SIBLEY LLP  
 11 2339 University Boulevard  
 Houston, TX 77005  
 12 Telephone: (713) 893-7973  
 Facsimile: (713) 583-1131  
 13 Email: camara@camarasibley.com

14 DAVID WELKER (SBN 252658)  
 WELKER & ROSARIO  
 15 2689 Sycamore Lane, Suite A6  
 Davis, California 95616-2800  
 16 Telephone: (949) 378-2900  
 Email: david.welker@post.harvard.edu

17 Attorneys for Defendant and Counterclaimant  
 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.

Case No. CV 08-03251 WHA (BZ)

**STIPULATION TO CONTINUE  
 SETTLEMENT CONFERENCE AND  
~~PROPOSED~~ ORDER**

27 AND RELATED COUNTERCLAIMS  
 28

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

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

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

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

DATED: July 23, 2009

TOWNSEND AND TOWNSEND AND CREW LLP

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

Attorneys for Plaintiff and Counterdefendant  
APPLE INC.

townsend.

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: 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 Oct. 6, 2009., at 9:00 a.m.

IT IS SO ORDERED.

Dated: 7/24/2009

By:   
Bernard Zimmerman  
United States Magistrate Judge

townsend.

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

**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

62133991 v1

townsend.

**Other Documents**[3:08-cv-03251-WHA Apple Inc. v. Psystar Corporation](#)

ADRMOP, E-Filing, PRVADR, REFSET-BZ

U.S. District Court  
Northern District of California  
**Notice of Electronic Filing or Other Case Activity**

---

NOTE: Please read this entire notice before calling the Help Desk. If you have questions, please email the Help Desk by replying to this message; include your question or comment along with the original text.

Please note that these Notices are sent for all cases in the system when any case activity occurs, regardless of whether the case is designated for e-filing or not, or whether the activity is the filing of an electronic document or not.

---

If there are **two** hyperlinks below, the first will lead to the docket and the second will lead to an e-filed document.

***If there is no second hyperlink, there is no electronic document available .***

See the FAQ posting 'I have a Notice of Electronic Filing that was e-mailed to me but there's no hyperlink...' on the ECF home page at <https://ecf.cand.uscourts.gov> for more information.

---

The following transaction was received from by Boroumand Smith, Mehrnaz entered on 7/23/2009 4:22 PM and filed on 7/23/2009

**Case Name:** Apple Inc. v. Psystar Corporation

**Case Number:** [3:08-cv-03251-WHA](#)

**Filer:** Apple Inc.

**Document Number:** [79](#)

**Docket Text:**

**[STIPULATION TO CONTINUE SETTLEMENT CONFERENCE AND PROPOSED ORDER by Apple Inc.\(a California corporation\). \(Boroumand Smith, Mehrnaz\) \(Filed on 7/23/2009\)](#)**

**3:08-cv-03251-WHA Notice has been electronically mailed to:**

David Vernon Welker david.welker@werolaw.com

James G. Gilliland jggilliland@townsend.com, sstreposkoufes@townsend.com

Jeb Bacon Oblak jboblak@townsend.com

K.A.D. Camara camara@camarasibley.com

Megan M Chung mmchung@townsend.com, slwortman@townsend.com

Mehrnaz Boroumand Smith mboroumand@townsend.com, ecasillas@townsend.com

**3:08-cv-03251-WHA Please see [General Order 45 Section IX C.2 and D](#); Notice has NOT been electronically mailed to:**

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**C:\Documents and Settings\exs\My Documents\Stipulation to Continue Settlement Conference and Proposed Order.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=7/23/2009] [FileNumber=5509092-0]  
[13ffb385299ee5ca748874caaf182e769be2763d359fab48f7c840a40f80b683a2e0e  
b8bf3746113c5e0d116952b121356f74fb161dffa034ff6211677432ece]]