

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

APPLE INC., a California Corporation,

CASE NO. CV-08-03251 WHA

Plaintiff(s),

v.

PSYSTAR CORPORATION, a Florida
Corporation,

STIPULATION AND [PROPOSED]
ORDER SELECTING ADR PROCESS

Defendant(s).

_____ /

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

Non-binding Arbitration (ADR L.R. 4)
Early Neutral Evaluation (ENE) (ADR L.R. 5)
Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

✓ Private ADR (please identify process and provider) Mediation before a mutually
agreed upon mediator from JAMS in San Francisco, California.

The parties agree to hold the ADR session by:

the presumptive deadline *(The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)*

✓ other requested deadline January 31, 2009

Dated: Oct. 1, 2008

/s/ James G. Gilliland, Jr.

Attorney for Plaintiff

Dated: Oct. 1, 2008

/s/ Robert J. Yorio

Attorney for Defendant

[PROPOSED] ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

Non-binding Arbitration

Early Neutral Evaluation (ENE)

Mediation

✓ Private ADR

Deadline for ADR session

90 days from the date of this order.

✓ other January 31, 2009 .

IT IS SO ORDERED.

Dated: _____

HONORABLE WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE