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

| | |
|---|---|
| APPLE INC., a California corporation,<br><br>*Plaintiff*,<br><br>v.<br><br>PSYSTAR CORPORATION,<br><br>*Defendants*.<br><br>AND RELATED COUNTERCLAIMS | CASE NO. CV-08-03251-WHA<br><br>**DECLARATION OF KENT RADFORD IN SUPPORT OF PSYSTAR'S RESPONSE TO APPLE'S MOTION FOR SUMMARY JUDGMENT** |

I, Kent Radford, declare as follows:

1. I am an attorney licensed to practice law in the State of Texas and am admitted to practice before this Court *pro hac vice*. I am associated with the law firm of Camara & Sibley LLP and am one of the attorneys representing Defendant and Counterclaimant Psystar Corporation in the above-captioned matter. I make this declaration on individual knowledge and, if called as a witness, can and will competently testify with respect to the matters stated herein.

2. Attached to Psystar's Response to Apple's Motion for Summary Judgment are true and correct copies of exhibits as follows:

| | |
|---|---|
| Ex. A | Expert Report of John P.J. Kelly, Ph.D. |
| Ex. B | Van Vechten Deposition Excerpts |
| Ex. C | Pedraza Declaration |
| Ex. D | APP_PSY 42750 (email from Mike Culbert) |
| Ex. E | APP_PSY 42734–5 (email from Mike Smith) |
| Ex. F | Second Supplemental Respnose to Apple Inc.'s First Set of Interrogatories |

Executed on October 22, 2009, at Houston, Texas.

/s/ Kent Radford
Kent Radford

**CERTIFICATE OF SERVICE**

I, Michael Wilson, declare I am employed in the City of Houston and County of Harris, Texas in the office of Camara & Sibley. I am over the age of eighteen and not a party to this action. My business address is Camara & Sibley, 2339 University Boulevard, Houston, Texas 77005.

I served the following document(s):

DECLARATION OF KENT RADFORD IN SUPPORT OF PSYSTAR CORPORATION'S MOTION FOR SUMMARY JUDGMENT
Case No. CV 08-03251 WHA

on the interested parties in this action by placing a true and correct copy thereof, on the above date, enclosed in a sealed envelope, following the ordinary business practice of Camara & Sibley LLP. I sent the document(s) to the following:

| | |
|---|---|
| James G. Gilliland, Jr.<br>TOWNSEND AND TOWNSEND AND CREW LLP<br>Two Embarcadero Center, 8th Floor<br>San Francisco, California 94111<br>Telephone: (415) 576-0200<br>Facsimile: (415) 576-0300 | email: jggilliland@townsend.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 22, 2009 at Houston, Texas.

*/s/ Michael Wilson*
Michael Wilson