

1 TOWNSEND AND TOWNSEND AND CREW LLP
 JAMES G. GILLILAND, JR. (State Bar No. 107988)
 2 MEHRNAZ BOROUMAND 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
 10 K.A.D. CAMARA (TX Bar No. 24062646)
 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.

27 AND RELATED COUNTERCLAIMS

Case No. CV 08-03251 WHA (BZ)

**STIPULATION TO CONTINUE
 SETTLEMENT CONFERENCE AND
 [PROPOSED] ORDER**

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 DATED: July 23, 2009

CAMARA & SIBLEY LLP

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By: /s/ K.A.D. Camara
K.A.D. Camara

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Attorneys for Defendant and Counterclaimant
PSYSTAR CORP.

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Pursuant to the Stipulation between the parties, and good cause having been shown, the
9 Court HEREBY GRANTS a continuance of the settlement conference, which shall now take place
10 on _____, 2009.

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IT IS SO ORDERED.

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By: _____
Bernard Zimmerman
United States Magistrate Judge

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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

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