

1 PSYSTAR is informed and believes, and thereon alleges, that the Mac Mini offers poorer  
2 performance, smaller storage space, and RAM. Furthermore, the Mac Mini does not have the  
3 option for an alternative video card such as an NVIDIA GeForce 8600, which is supported by the  
4 PSYSTAR Open Computer.

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6 **General Allegations**  
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8 13. For the purposes of this First Amended Counterclaim, PSYSTAR refers to the following  
9 products: the Mac OS, Mac OS Capable Computer Hardware Systems, and Apple-Labeled  
10 Computer Hardware Systems. The Mac OS has been briefly referenced above with respect to the  
11 Mac OS X Operating System. Computer hardware capable of executing the Mac OS is referred to  
12 herein as Mac OS Capable Computer Hardware Systems such as the Open Computer from  
13 PSYSTAR. Apple-Labeled Computer Hardware Systems are those hardware systems  
14 manufactured exclusively by APPLE and belonging to a subsidiary market of Mac OS Capable  
15 Computer Hardware Systems. That subsidiary market—the Apple-Labeled Computer Hardware  
16 Systems market—is artificially created, dominated, and maintained by APPLE. All of the  
17 aforementioned products are sold in the United States of America.

18  
19 **The Mac OS**

20 14. More specifically, the Mac OS is a graphical user interface-based operating system that  
21 (prior to the emergence of PSYSTAR) was operable exclusively on the Macintosh line of computer  
22 hardware and other computer hardware made by and available only from APPLE—Apple-Labeled  
23 Computer Hardware Systems. Operating systems like the Mac OS control and direct the interaction  
24 between software applications such as word processors, Internet browsers, and applications and the  
25 central processing unit of the computer and its various hardware components.

26 15. APPLE is the exclusive manufacturer and/or master licensor of the Mac OS.

27 16. PSYSTAR is informed and believes, and thereon alleges, that there are substantial barriers  
28 to entry in the market for operating systems, including the Mac OS market. It is prohibitively