

1 21. As there is no technical reason that a third-party could not accumulate and assemble the
2 hardware components in an Apple-Labeled Computer Hardware System such that said system
3 would be capable of running the Mac OS, on information and belief PSYSTAR alleges that but for
4 the exclusionary and leveraging conduct of APPLE—said conduct amounting to unfair
5 competition—a third-party (as evidenced by the activities of PSYSTAR) could and would
6 accumulate, assemble, and market the hardware components capable of running the Mac OS.
7

8 **Apple-Labeled Computer Hardware Systems**

9 22. Notwithstanding the various computer hardware manufacturers in the marketplace, none of
10 the aforementioned companies currently manufacture computer hardware systems that support the
11 Mac OS. APPLE is the only manufacturer of systems operating the Mac OS. APPLE's exclusive
12 line of hardware systems that support the Mac OS include the Mac Pro, the Mac Mini, the
13 MacBook, the MacBook Air, MacBook Pro, and iMac. PSYSTAR, as noted above, refers to the
14 exclusive line of APPLE hardware systems that support the Mac OS as Apple-Labeled Computer
15 Hardware Systems. PSYSTAR is informed and believes, and thereon alleges, that but for the
16 anticompetitive conduct of APPLE as outlined herein, Apple-Labeled Computer Hardware Systems
17 would be a competing member of the otherwise diverse Mac OS Capable Computer Hardware
18 Systems market.

19 23. PSYSTAR alleges that by virtue of APPLE's leveraging of copyrights in the context of
20 APPLE's EULA, spurious litigation via the DMCA, and various other anti- and unfair competitive
21 conduct, there is no viable alternative to the purchase and use of Apple-Labeled Computer
22 Hardware Systems for users who wish to use the Mac OS, for a prospective buyer of the Mac OS,
23 or for a user of an older version of the Mac OS. **Without an operating system, a computer hardware**
24 **system can perform virtually no useful tasks thus making the installation of the Mac OS a necessity.**
25 The Mac OS—at least according to APPLE—can only be installed on Apple-Labeled-Computer
26 Hardware Systems, a restriction that APPLE enforces through the aforementioned misuse of its
27 copyrights. Mac OS users are—through APPLE's copyright misuse—thereby locked in to a
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