

1 **Mac OS X Tied to Apple-Labeled Computer Hardware Systems**

2 33. PSYSTAR is informed and believes, and thereon alleges, that APPLE’s trend of releasing
3 subsequent iterations of the Mac OS without an official licensee program continued with respect to
4 the Mac OS X. In June 2005 at the 2005 Worldwide Developer Conference, APPLE CEO Steve
5 Jobs announced the planned release of the aforementioned Mac OS X for late 2006 or early 2007.
6 At the same conference, APPLE Senior Vice President Phil Schiller noted that APPLE had no plans
7 of running the Windows OS on a Macintosh but noted “[t]hat doesn’t preclude someone from
8 running it” and that APPLE “won’t do anything to preclude that.”

9 34. In contrast to allowing (and all but inviting) others to run a competing OS on a Macintosh
10 and, further, openly stating that APPLE would not do anything to preclude the same, Schiller stated
11 that APPLE did not plan to let people run the Mac OS X on other computer makers’ hardware; said
12 Schiller: “[w]e will not allow running Mac OS X on anything other than an Apple Mac.”

13 35. True to its word, and by its own admission in paragraph 21 of APPLE’s First Amended
14 Complaint, APPLE “prohibit[s] use of the Mac OS or its upgrades on non-Apple hardware.”

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16 **Kernel Panic and Infinite Loops**

17 36. On information and belief, PSYSTAR alleges that APPLE intentionally embeds code in the
18 Mac OS that causes the Mac OS to malfunction on any computer hardware system that is not an
19 Apple-Labeled Computer Hardware System. Upon recognizing that a computer hardware system is
20 not an Apple-Labeled Computer Hardware System, the Mac OS will not operate properly, if at all,
21 and will go into what is colloquially known as ‘kernel panic.’

22 37. In kernel panic, the operating system believes that it has detected an internal and fatal error
23 from which the operating system cannot safely recover. As a result, the operating system
24 discontinues operation. As noted above, without a functioning operating system, functionality of
25 the corresponding computer is reduced to near zero.

26 38. In **Unix style** operating systems like that of the Mac OS, the kernel routines that handle
27 panics are generally known as panic(). Panic() routines are generally designed to output an error
28 message to the display device of the computer, dump an image of kernel memory to disk for