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By: Filip Truta, Apple News Editor

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[Judge Dismisses Psystar's Case Against Apple](#)

Psystar's monopolization counterclaims do not stand, a California Judge ruled

Judge William Alsup of the U.S. Federal Court for the Northern District of California dismissed [Psystar](#)'s counterclaims against Apple alleging that the Cupertino-based Mac maker engages in anticompetitive practices to prevent companies from selling computers that run [Mac OS X](#).

Court documents spotted by AppleInsider [reveal](#) that Psystar can amend its complaint in order to try to convince the judge that it has a better argument. The Mac cloner has only 20 days to do so. The 19-page order by Judge William Alsup largely rejects Psystar's claims, and grants Apple's motion to have the countersuit thrown out of court, provided that Psystar doesn't issue a better argument. Should Psystar fail to do so, all of its claims will be dismissed without leave to amend, according to the document.

The Judge also pointed out to Apple's extensive advertising campaigns, as evidence that Psystar's counterclaims don't stand. "Those advertising campaigns more plausibly support an inference contrary to that asserted in the counterclaim -- vigorous advertising is a sign of competition, not a lack thereof. If Mac OS simply had no reasonable substitute, Apple's vigorous advertising would be wasted money. The advertising campaigns suggest a need to enhance brand recognition and lure consumers from a competitor," Alsup said.

In conclusion, Psystar's counterclaim does not plausibly allege that Mac OS is an independent market, Alsup asserted. According to AppleInsider, he added that "unlike a case cited by the clone maker involving Kodak - where customers did not knowingly bind themselves to a single brand that later prohibited them from switching among competitors in the primary market - Apple makes it clear in courting its customers that they'll be locked into using the Mac OS only on Apple systems," the report says.

"Apple asks its customers to purchase Mac OS, knowing that it is to be used only with Apple computers," Alsup ruled. "It is certainly entitled to do so."