1 Charles K. Verhoeven (Bar No. 170151)
   charlesverhoeven@quinnemanuel.com
2 Jennifer A. Kash (Bar No. 203679)
   jenniferkash@quinnemanuel.com
3 Kevin A. Smith (Bar No. 250814)
   kevinsmith@quinnemanuel.com
4 QUINN EMANUEL URQUHART &
   SULLIVAN, LLP
5 50 California Street, 22nd Floor
   San Francisco, California 94111
6 Telephone: (415) 875-6600
   Facsimile: (415) 875-6700
7
   Attorneys for Plaintiff Yahoo! Inc.
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9   UNITED STATES DISTRICT COURT

10   NORTHERN DISTRICT OF CALIFORNIA

11   SAN FRANCISCO DIVISION

12 YAHOO! INC., a Delaware corporation,   CASE NO. CV-12-01212-JSW

13   Plaintiff,   **DECLARATION OF KEVIN SMITH IN
                                                   SUPPORT OF THE STIPULATION AND
14   vs.   [PROPOSED] ORDER TO ENLARGE
                                                   TIME FOR:**
15 FACEBOOK, INC, a Delaware corporation,
                                                   **(1) YAHOO! INC.'S AMENDED REPLY
16   Defendant.   AND COUNTER COUNTERCLAIMS TO
                                                   FACEBOOK, INC.'S ANSWER AND
17   COUNTERCLAIMS AND**

18   **(2)   BRIEFING AND HEARING ON
                                                   FACEBOOK INC.'S MOTION TO
19   STRIKE AND/OR DISMISS YAHOO
                                                   INC.'S CLAIMS AND DEFENSES OF
20   INEQUITABLE CONDUCT**

21
                                                   Honorable Jeffrey S. White
22   United States District Judge

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                                                            CASE NO. CV-12-01212-JSW
          SMITH DECLARATION IN SUPPORT OF THE STIPULATION TO EXTEND TIME

I, Kevin Smith, declare:

1.   I am a partner in the law firm of Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Yahoo! Inc. ("Yahoo!") in this action.   Unless otherwise indicated, I have personal knowledge of the facts set forth in this declaration and, if called upon as a witness, I could and would testify as follows.

2.   On April 27, 2012, Yahoo! filed a Reply and Counter Counterclaims to Defendant Facebook, Inc.'s Answer and Counterclaim Against Facebook, Inc. for Declaratory Judgment of Non-Infringement.

3.   On May 16, 2012, Facebook, Inc. ("Facebook") filed a Motion to Strike and/or Dismiss Yahoo! Inc.'s Claims and Defenses of Inequitable Conduct ("the Motion to Strike and/or Dismiss").   A hearing on the Motion to Strike and/or Dismiss is currently scheduled for July 27, 2012.   Yahoo!'s response to the Motion to Strike and/or Dismiss is currently due June 20, 2012. Facebook's reply in support of its Motion to Strike and/or Dismiss is currently due June 27, 2012.

4.   On May 18, 2012, counsel for Yahoo! informed Facebook's counsel that Yahoo! intends to amend its Reply and Counter Counterclaims with respect to the portion addressed in Facebook's Motion to Strike and/or Dismiss.   The Amended Reply and Counter Counterclaims is currently due June 6, 2012.

5.   Counsel for Facebook does not oppose the extension of Yahoo!'s deadline to file an Amended Reply and Counter Counterclaims and the extension of the briefing and hearing schedule on Facebook's Motion to Strike and/or Dismiss.   Yahoo! and Facebook are in agreement that additional time is warranted for the parties to prepare their submissions and will not adversely affect the case schedule.

6.   Pursuant to Civil L.R. 6-2(a)(2), the time for Yahoo! to respond to Facebook's Motion to Strike and/or Dismiss Yahoo's Claims and Defenses of Inequitable Conduct was previously extended from May 30, 2012 to June 20, 2012.   The time for Facebook to reply in support of its Motion to Strike and/or Dismiss Yahoo!'s Claims and Defenses of Inequitable Conduct was previously extended from June 6, 2012 to June 27, 2012.   The hearing on the

SMITH DECLARATION IN SUPPORT OF THE STIPULATION TO EXTEND TIME

1   Motion to Strike and/or Dismiss Yahoo!'s Claims and Defenses of Inequitable Conduct was

2   previously rescheduled from June 22, 2012 to July 27, 2012.   The Case Management Conference

3   was previously rescheduled from June 29, 2012 to August 31, 2012.

4   7.   The present request will not affect any other deadlines in this case.

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6   I declare under penalty of perjury that the foregoing is true and correct.   Executed in San

7   Francisco, California on June 6, 2012.

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                                                    /s/ Kevin A. Smith
9   Kevin A. Smith

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                                            -3-   CASE NO. CV-12-01212-JSW
       SMITH DECLARATION IN SUPPORT OF THE STIPULATION TO EXTEND TIME