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15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 OAKLAND DIVISION

18 **CASE NO. C 06 7754 SBA**

19 HELIO LLC

20 Plaintiff,

21 vs.

22 PALM, INC.

23 Defendant.

**DECLARATION OF BRIAN CANNON IN
 SUPPORT OF DEFENDANT PALM,
 INC.'S EMERGENCY MOTION FOR AN
 EXPEDITED BRIEFING AND HEARING
 SCHEDULE**

24 I, Brian Cannon, declare as follows:

25 1. I am an attorney licensed to practice law in the State of California. I am a partner
 26 at the law firm of Quinn Emanuel Urquhart Oliver & Hedges, LLP, counsel of record for
 27 Defendant Palm, Inc. in this matter. I make this declaration in support of Palm's Emergency
 28 Motion for an Expedited Briefing and Hearing Schedule. I have personal knowledge of the facts
 stated herein and if called to testify could and would competently testify thereto.

2. Palm's opposition to Helio's motion for a preliminary injunction is due on March
 20, 2007 and the preliminary injunction hearing is scheduled for April 10, 2007.

1 3. Expedited resolution of Palm’s motion to compel the deposition of Jessica Weeks
2 is necessary so that Palm may obtain the discovery it needs, and that Helio agreed to provide, to
3 defend itself against the extraordinary relief requested by Helio. Palm will suffer significant
4 prejudice if it is not permitted sufficient time to depose the Helio employee who submitted a
5 declaration in support of Helio’s application for a temporary restraining order and motion for a
6 preliminary injunction. Helio’s case is based upon Ms. Weeks’ testimony and Palm needs to
7 complete her deposition before opposing Helio’s motion for a preliminary injunction.

8 4. On March 9, 2007, after Helio’s counsel ended the deposition, I called Harold
9 Davis, counsel for Helio, to request that Helio stipulate to a hearing on this motion on Wednesday,
10 March 14. Mr. Davis could not be reached so I left a voicemail message for him. I also sent an
11 email to Kevin Trock, counsel for Helio, requesting that Helio stipulate to the expedited schedule.

12 5. At 6:00 p.m. on March 9, I received an email from Mr. Trock stating that Helio will
13 not agree to an expedited schedule.

14 I declare under penalty of perjury under the laws of the United States that the foregoing is
15 true and correct.

16 DATED: March 9, 2007

/s/ Brian Cannon
Brian Cannon

17
18 **ATTESTATION OF E-FILED SIGNATURE**

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20 I, Andrea Pallios Roberts, attest that signatory Brian Cannon has read and approved the
21 Declaration of Brian Cannon in Support of Defendant Palm, Inc.’s Emergency Motion for an
22 Expedited Briefing and Hearing Schedule and consents to its filing in this action.

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25 /s/ Andrea Pallios Roberts
Andrea Pallios Roberts

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