

HowardRice

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Attorneys for Defendants
AMAZON.COM, INC., a Delaware corporation,
and AMAZON DIGITAL SERVICES, INC., a
Delaware corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

APPLE INC., a California corporation,

Plaintiff,

v.

AMAZON.COM, INC., a Delaware corporation,
and AMAZON DIGITAL SERVICES, INC., a
Delaware corporation,

Defendants.

No. 11-cv-01327 PJH

Action Filed: March 18, 2011

DECLARATION OF MARTIN R. GLICK IN
SUPPORT OF DEFENDANTS'
OPPOSITION TO MOTION TO SHORTEN
TIME TO HEAR MOTION FOR
PRELIMINARY INJUNCTION

1 I, Martin R. Glick, hereby declaration as follows:

2 1. I am an attorney licensed to practice law in the State of California and a Director in the
3 law firm of Howard Rice, a Professional Corporation. My firm represents Defendants Amazon.com,
4 Inc. and Amazon Digital Services, Inc. (collectively “Amazon”) in the above-captioned action. I
5 make this Declaration In Support Of Amazon’s Opposition To Plaintiff Apple Inc.’s Motion To
6 Shorten Time To Hear Motion For Preliminary Injunction (“Declaration”). Except as other stated,
7 the representations made in this Declaration are based on my personal knowledge and, if called upon
8 to do so, I could and would testify competently to the facts stated therein.

9 2. I have reviewed this Court’s Notice Regarding Civil Law And Motion Hearing Dates
10 (“Notice”). On April 13, 2011, at about 2:00 p.m., I received a telephone call and voicemail
11 message from outside counsel for Apple, Inc. (“Apple”) asking me to return his call but leaving no
12 other substantive message. I returned his call, but he was out of the office, so we actually spoke at
13 about 3:30 p.m. At that time, he informed me for the first time that Apple was going to file a motion
14 for preliminary injunction. We discussed the Court’s Notice regarding hearings, and he asked if
15 Amazon was willing to consent to a shorter, undefined period of time (other than not less than the
16 minimum period allowed under the federal and civil local rules) for hearing Apple’s motion. I
17 responded that I would need to discuss the request with my client and inquired when Apple was
18 intending to file the motion. He informed me that Apple was going to file the motion that day, and
19 he understood that we would not practically have time to respond to his request before he filed the
20 motion, but that Amazon would have the four days allowed by the local rules to indicate our
21 position. We left it at that, and I received Apple’s e-filed motion and supporting declarations later
22 on that same day.

23 3. Attached as **Exhibit 1** is a true and correct copy of an October 8, 2010 article from
24 Androinica titled “Amazon’s own Android app store now confirmed,” which my office located and
25 printed from the website [http://androinica.com/2010/10/amazons-own-android-app-store-now-](http://androinica.com/2010/10/amazons-own-android-app-store-now-confirmed/)
26 [confirmed/](http://androinica.com/2010/10/amazons-own-android-app-store-now-confirmed/) on April 15, 2011.

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4. Attached as **Exhibit 2** is a true and correct copy of a publicly available transcript of Apple’s October 18, 2010 earnings call, which my office printed from the website www.seekingalpha.com on April 15, 2011.

5. Attached as **Exhibit 3** is a true and correct copy of a printout from the United States Patent & Trademark Office website, reflecting the docket activity for *Microsoft Corporation v. Apple Inc.*, Opposition No. 91195582, which my office located and printed on April 15, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge. Executed this 18th day of April, 2011, in San Francisco, California.

/s/ Martin R. Glick
MARTIN R. GLICK