

1 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP
Claude M. Stern (Bar No. 96737)
2 claudestern@quinnemanuel.com
Patrick Doolittle (Bar No. 203659)
3 patrickdoolittle@quinnemanuel.com
50 California Street, 22nd Floor
4 San Francisco, California 94111
Telephone: (415) 875-6600
5 Facsimile: (415) 875-6700

6 Attorneys for Defendant Fusion Garage PTE. Ltd

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

10
11 INTERSERVE, INC. dba TECHCRUNCH, a
Delaware corporation, and CRUNCHPAD,
12 INC., a Delaware corporation,

13 Plaintiffs,

14 vs.

15 FUSION GARAGE PTE. LTD, a Singapore
company,

16 Defendant.
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CASE NO. 09-cv-5812 JW (PVT)

**DECLARATION OF PATRICK
DOOLITTLE IN SUPPORT OF
OPPOSITION TO MOTION FOR
EXPEDITED DISCOVERY**

Date: N/A

Time: N/A

1 I, PATRICK C. DOOLITTLE declare as follows:

2 1. I am a member of the bar of the State of California and a partner in Quinn Emanuel
3 Urquhart Oliver & Hedges, LLP, attorneys for Defendant Fusion Garage. Unless otherwise noted,
4 I make this declaration of personal knowledge, and if called and sworn as a witness, I could and
5 would testify competently thereto.

6 2. Claude Stern and I are the Quinn Emanuel attorneys representing Fusion Garage in
7 this matter. We were recently retained to represent Fusion Garage.

8 3. I am informed that Mr. Stern is set to begin a trial before Judge Alsup on January 5,
9 2010. I understand that this trial is scheduled to last approximately two weeks.

10 4. I am presently scheduled to travel to Costa Rica for vacation on December 31,
11 2009. I am not scheduled to return until January 7, 2010.

12 5. Attached hereto is a true and correct copy of a printout from the Internet that I
13 printed from the TechCrunch website. I printed this copy on December 29, 2009, from the site
14 <http://www.techcrunch.com/2008/08/30/update-on-the-techcrunch-tablet-prototype-a/>.

15 6. Fusion Garage has been instructed not to destroy any documents relating to any
16 issue in the lawsuit. I am not aware of any information to suggest that this instruction has not
17 been complied with.

18 7. On December 28, 2009 I had a brief phone call with counsel for plaintiffs regarding
19 their desire to take expedited discovery. I inquired what their need for such discovery was. One
20 of their counsel, Andrew Bridges, responded (in substance) that they wanted to obtain discovery
21 because their clients were considering seeking expedited relief, namely a motion for a preliminary
22 injunction.

23 I declare under penalty of perjury under the laws of the United States of America that the
24 foregoing is true and correct.

25 Executed this 29th day of December 2009 at San Francisco, California.

26 _____/s/
27 Patrick C. Doolittle
28

Exhibit A

TechCrunch

Update On The TechCrunch Tablet: Prototype A

by **Michael Arrington** on August 30, 2008

Update on the **TechCrunch Tablet**: A humble (and messy) beginning. Prototype A has been built. It's in a temporary aluminum case that a local sheet metal shop put together for us that's at least twice as thick as it needs to be, but the hardware has been defined and is nearing lockdown. We booted the machine in the case for the first time today, accessed the Wifi network and were able to navigate a web page via the touch screen.

Most of the work is transitioning to software and UI, and real industrial design work on the case is beginning.

We are still far from having beta units but there is now a team working on the project, and an incredible group of people and companies have reached out to us to help. We've learned a lot about building a hardware device over the last few weeks, and it's clear that it is quite possible to build a high performance web tablet in the price range we anticipated.

A teaser picture:



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