

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, 22<sup>nd</sup> Floor  
 4 San Francisco, California 94111  
 Telephone: (415) 875-6600  
 5 Facsimile: (415) 875-6700

6 Attorneys for Defendant Fusion Garage PTE. Ltd

7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

12 INTERSERVE, INC. dba TECHCRUNCH, a  
 Delaware corporation, and CRUNCHPAD,  
 13 INC., a Delaware corporation,  
 14 Plaintiffs,  
 15 vs.  
 16 FUSION GARAGE PTE. LTD, a Singapore  
 company,  
 17 Defendant.

CASE NO. 09-cv-5812 RS

**DECLARATION IN SUPPORT OF  
 MOTION FOR ADMINISTRATIVE  
 RELIEF OR, IN THE ALTERNATIVE,  
 MOTION TO CHANGE TIME**

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 & Sullivan, LLP, attorneys for Defendant Fusion Garage. Unless otherwise noted, I  
4 make this declaration of personal knowledge, and if called and sworn as a witness, I could and  
5 would testify competently thereto.

6 2. On February 22, 2010, when this case was still assigned to the Honorable James  
7 Ware, Plaintiffs filed a motion for preliminary injunction (“PI Motion”). The hearing date for this  
8 motion was set for May 3, 2010 – which was also the hearing date for Fusion Garage’s Motion to  
9 Dismiss, to Strike, and for a More Definite Statement (“Motion to Dismiss”). Plaintiffs attempted  
10 to advance the hearing on the PI Motion to March 29, 2010, but Judge Ware declined to advance  
11 it, ruling that the PI Motion would instead be heard on May 3, 2010 along with Fusion Garage’s  
12 Motion to Dismiss.

13 3. After the Court re-assigned the case to the Honorable Richard Seeborg, Plaintiffs  
14 re-noticed their PI Motion for April 29, 2010. Plaintiffs re-noticed the PI Motion without  
15 consulting with Fusion Garage's counsel.

16 4. Plaintiffs’ chosen date of April 29, 2010 is inconvenient. For instance, Plaintiffs  
17 have agreed to make a 30(b)(6) deponent available for deposition on April 2, 2010. Given that  
18 Fusion Garage’s opposition to the PI Motion would be due April 8 if the PI Motion were heard on  
19 April 29, I do not believe that Fusion Garage would have adequate time to receive and review the  
20 deposition transcript or incorporate the testimony into their opposition to the PI Motion under the  
21 schedule that Plaintiffs unilaterally selected. Furthermore, based on what one of my colleagues  
22 working on the case has told me, Plaintiffs have currently produced only 330 pages of documents  
23 in response to Fusion Garage's discovery requests. Thus, under Plaintiffs’ schedule, Fusion  
24 Garage would have to file its opposition to the PI Motion before receiving a full set of Plaintiffs'  
25 documents.

26 5. Fusion Garage sought Plaintiffs’ agreement to re-set the PI Motion (as well as the  
27 Motion to Dismiss) to May 6, 2010. Plaintiffs responded that they would only agree to a May 6,  
28 2010 hearing date if Fusion Garage would present a witness, Mr. Chandra Rathakrishnan, for

1 deposition by April 15, 2010. However, Mr. Rathakrishnan lives and works in Singapore, and  
2 Plaintiffs have previously requested that Mr. Rathakrishnan sit for deposition in the United States  
3 if possible. Fusion Garage has agreed to work with Plaintiffs to try and coordinate a deposition in  
4 the United States when Mr. Rathakrishnan is traveling here on business.

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

7 Executed this 30<sup>th</sup> day of March 2010 at San Francisco, California.

8 /s/ Patrick C. Doolittle  
9 Patrick C. Doolittle

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28