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CO., LTD., SAMSUNG ELECTRONICS
14 AMERICA, INC. and SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC
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16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

18 APPLE INC., a California corporation,

19 Plaintiff,

20 vs.

21 SAMSUNG ELECTRONICS CO., LTD., a
Korean business entity; SAMSUNG
22 ELECTRONICS AMERICA, INC., a New
York corporation; SAMSUNG
23 TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,

24 Defendants.
25

CASE NO. 11-cv-01846-LHK

**DECLARATION OF BRETT ARNOLD IN
SUPPORT OF SAMSUNG'S UNOPPOSED
MOTION TO MOVE THE HEARING
DATE FOR ITS MOTION TO DISMISS
AND TO STRIKE**

1 I, Brett Arnold, declare:

2 1. I am an associate in the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,
3 counsel for Samsung Electronics Co., Ltd., Samsung Electronics America, Inc. and Samsung
4 Telecommunications America, LLC (collectively, "Samsung"). Unless otherwise indicated, I
5 have personal knowledge of the facts set forth in this declaration and, if called upon as a witness, I
6 could and would testify as follows.

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8 2. The hearing date for Samsung's Motion to Dismiss and Motion to Strike Apple's
9 Counterclaims is set for Thursday, September 22, 2011 at 1:30 p.m. (Dkt No. 153.)

10 3. During the week of September 19-23, 2011, the parties will be conducting at least
11 three days of depositions in connection with Apple's Preliminary Injunction Motion. Those
12 depositions will occur on September 20, 21, and 23, and will be located in Dallas, Texas, and
13 Columbia, Missouri. The parties have been negotiating and scheduling numerous depositions
14 over the past several weeks, and have only solidified the dates of all the depositions in the last
15 week.

16
17 4. Counsel for Samsung not participating in the depositions have scheduling conflicts,
18 including preparation for trial.

19 5. Samsung believes that moving the hearing date for Samsung's Motion to Dismiss
20 from its current date of September 22, 2011 to Thursday, October 20, 2011 will significantly
21 reduce the burden on the parties and their counsel to attend the hearing. Samsung also believes
22 this will minimize prejudice to all parties as under the current schedule they will need to prepare
23 for the hearing at the same time as they will be preparing for, conducting, and/or defending
24 multiple depositions around the country according to the schedule listed above in paragraph 3.

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26 6. Previous time modifications in the case, whether by stipulation or Court order,
27 include the following:
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- 1 A. On April 26, 2011, the Court granted Apple's motion to shorten time for
2 briefing and hearing on its motion to expedite discovery. (Dkt No. 26.)
- 3 B. On May 9, 2011, Apple and Samsung stipulated and agreed that the time for
4 Samsung to serve responsive pleadings pursuant to Rule 12(a) shall be 75
5 days after April 21, 2011. On May 10, 2011, the Court signed the
6 Stipulation and Order regarding an extension of time for Samsung to serve
7 responsive pleadings. (Dkt No. 40.)
- 8 C. On June 1, 2011, the Court granted in part Samsung's request to shorten
9 time for hearing and briefing on Samsung's Motion to Compel Reciprocal
10 Expedited Discovery. (Dkt No. 59.)
- 11 D. On July 18, 2011 the Court ordered a briefing schedule related to expedited
12 discovery and Apple's motion for a preliminary injunction, setting dates
13 from July 2011 through the October 13, 2011 hearing on Apple's Motion
14 for Preliminary Injunction. (Dkt No. 115.)
- 15 E. On July 21, 2011, the Court granted the parties' stipulation to extend the
16 time for briefing Samsung's Motion to Disqualify Counsel Bridges &
17 Mavrakakis, LLP. (Dkt No. 125.)
- 18 F. On September 1, 2011 the Court granted Samsung's stipulated motion to
19 expedite briefing on Samsung's Motion to Compel Apple to Produce
20 Documents and Things. (Dkt No. 199)
- 21 G. On September 6, 2011 the Court granted Apple's stipulated motion to
22 extend time for Apple to respond to Samsung's Motion to Exclude the
23 Ordinary Observer Opinions of Apple Expert Cooper Woodring. (Dkt No.
24 210.)
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7. The present request to move the hearing date for Samsung's Motion to Dismiss and Motion to Strike will not affect the schedule of the case.

8. Counsel for Apple represented to counsel for Samsung that they do not oppose Samsung's motion to move the hearing date.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Redwood Shores, California on September 19, 2011.

/s/ Brett Arnold

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/s/ Victoria Maroulis