

1 HAROLD J. MCELHINNY (CA SBN 66781)  
 hmcclhinny@mofo.com  
 2 MICHAEL A. JACOBS (CA SBN 111664)  
 mjacobs@mofo.com  
 3 RICHARD S.J. HUNG (CA SBN 197425)  
 rhung@mofo.com  
 4 MORRISON & FOERSTER LLP  
 425 Market Street  
 5 San Francisco, California 94105-2482  
 Telephone: (415) 268-7000  
 6 Facsimile: (415) 268-7522

MARK D. SELWYN (SBN 244180)  
 mark.selwyn@wilmerhale.com  
 WILMER CUTLER PICKERING  
 HALE AND DORR LLP  
 950 Page Mill Road  
 Palo Alto, California 94304  
 Telephone: (650) 858-6000  
 Facsimile: (650) 858-6100

WILLIAM F. LEE (*pro hac vice*)  
 william.lee@wilmerhale.com  
 WILMER CUTLER PICKERING  
 HALE AND DORR LLP  
 60 State Street  
 Boston, MA 02109  
 Telephone: (617) 526-6000  
 Facsimile: (617) 526-5000

Attorneys for Plaintiff  
 APPLE INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

17 APPLE INC., a California corporation,  
 18 Plaintiff,  
 19 v.  
 20 SAMSUNG ELECTRONICS CO., LTD., a  
 Korean corporation; SAMSUNG ELECTRONICS  
 21 AMERICA, INC., a New York corporation; and  
 SAMSUNG TELECOMMUNICATIONS  
 22 AMERICA, LLC, a Delaware limited liability  
 company,  
 23 Defendants.

Case No. 4:11-cv-01846-LHK

**BARTLETT DECLARATION IN  
 SUPPORT OF STIPULATION  
 AND [PROPOSED] ORDER  
 EXTENDING DEADLINE FOR  
 APPLE'S DISCOVERY OF  
 SAMSUNG**

Date: TBD  
 Time: TBD  
 Place: Courtroom 8, 4<sup>th</sup> Floor  
 Judge: Hon. Lucy H. Koh

1 I, Jason Bartlett, declare as follows:

2 1. I am a partner in the law firm of Morrison & Foerster LLP, counsel for Apple Inc.  
3 (“Apple”) in its suit against Samsung Electronics Co., Ltd., Samsung Electronics America, Inc.  
4 and Samsung Telecommunications America, LLC (collectively, “Samsung”). I have personal  
5 knowledge of the facts set forth in this declaration and, if called upon as a witness, I could and  
6 would testify to such facts under oath.

7 2. I submit this declaration in support of the parties’ stipulation and proposed order  
8 extending the deadline for Apple’s discovery from Samsung, pursuant to Civil L.R. 6-2.

9 3. On July 1, 2011, Apple filed a motion for preliminary injunction, seeking in part  
10 an order that Apple is entitled to a preliminary injunction based on Samsung’s alleged  
11 infringement of three Apple design patents and one Apple utility patent. (*See* D.N. 86.)

12 4. On July 2, 2011, the Court invited the parties to provide input regarding a  
13 reasonable time frame for briefing and hearing Apple’s motion, noting that the schedule would  
14 need to accommodate time to conduct discovery pertinent to the preliminary injunction motion.  
15 (*See* D.N. 95.)

16 5. On July 8, 2011, the parties filed a joint submission regarding the briefing and  
17 hearing schedule. (*See* D.N. 100.)

18 6. On July 18, 2011, this Court entered an Order Setting Briefing and Hearing  
19 Schedule for Preliminary Injunction Motion (*see* D.N. 115), setting September 21, 2011 as the  
20 deadline for Apple’s discovery from Samsung relating to the preliminary injunction motion.

21 7. Since Samsung filed its opposition to Apple’s preliminary injunction motion, the  
22 parties have worked to schedule the depositions of witnesses with information pertaining to that  
23 opposition. Those witnesses include Roger Fidler and Jeffrey Johnson, who provided  
24 declarations in support of that opposition.

25 8. Despite the parties’ best efforts to schedule the depositions within the deadline set  
26 by the Court’s July 18, 2011 Order, the depositions of Messrs. Fidler and Johnson could not be  
27 scheduled to take place until September 23 and September 26, respectively.

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

9. The parties previously modified the Court's July 18, 2011 Order to give Samsung a one week extension of its discovery deadline, so it could depose two additional Apple witnesses.

10. No other deadlines or hearing dates are affected by this stipulation and [proposed] order.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 21, 2011 in San Francisco, California.

/s/ Jason Bartlett  
JASON BARTLETT