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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

APPLE INC., a California corporation,
 Plaintiff,
 v.
 SAMSUNG ELECTRONICS CO., LTD., A
 Korean business entity; SAMSUNG
 ELECTRONICS AMERICA, INC., a New York
 corporation; SAMSUNG
 TELECOMMUNICATIONS AMERICA, LLC, a
 Delaware limited liability company.,
 Defendants.

Case No. 11-cv-01846-LHK

**DECLARATION OF WESLEY E.
 OVERSON IN SUPPORT OF
 APPLE'S MOTION TO
 SHORTEN TIME FOR BRIEFING
 AND HEARING ON
 PLAINTIFF'S MOTION TO
 COMPEL**

Date: September 23, 2011
 Time: 3:00 p.m.
 Courtroom: 5, 4th Floor
 Honorable Paul S. Grewal

1 I, Wesley E. Overson, declare as follows:

2 1. I am a partner in the law firm of Morrison & Foerster LLP, counsel for Apple Inc.
3 (“Apple”). I am licensed to practice law in the State of California. Unless otherwise indicated, I
4 have personal knowledge of the matters stated herein and, if called as a witness, could and would
5 testify competently thereto. I make this declaration in support of Apple’s Motion to Shorten
6 Time For Briefing and Hearing on Plaintiff’s Motion to Compel.

7 2. On Friday, September 16, 2011, I met in person with Mr. Jason Bartlett, Mr. Kevin
8 Johnson, and Ms. Melissa Chan to discuss discovery-related issues in the above-captioned matter.
9 Mr. Bartlett and I served as counsel for Apple at that meeting, while Mr. Johnson and Ms. Chan
10 appeared on behalf of Samsung. At that meeting, Ms. Chan represented that Samsung would be
11 providing document productions both on the evening of September 16th and at some time on
12 Saturday, September 17th. Samsung in fact later served supplemental document productions on
13 each of these days.

14 3. Almost immediately after the processing of each document production, a team of
15 attorneys on behalf of Apple began an expedited review of those materials. The team completed
16 its review of these documents on Tuesday, September 20, 2011.

17 4. On Tuesday evening, Apple filed its Motion to Compel concerning Samsung’s
18 document production, which is the subject of this Motion to Shorten Time.

19 5. At 11:14 a.m. on Wednesday, September 21, 2011, I sent an email to Mr. Johnson
20 and Ms. Chan, Samsung’s counsel, to notify them that it was important for Apple to set a hearing
21 date for the Motion to Compel prior to September 30, 2011—the due date for Apple’s Reply in
22 Support of its Motion for Preliminary Injunction. I further informed Samsung’s counsel that I
23 had been informed by the calendar clerk for the Court that a hearing on September 28 was a
24 possibility. I asked if Samsung would stipulate to the following schedule: Samsung could file its
25 opposition to Apple’s Motion to Compel on Friday, September 23, Apple would reply on
26 Monday, September 26th, and the hearing would take place the morning of Wednesday,
27 September 28.

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1 6. At 4:42 p.m. on Wednesday, September 21, 2011, Ms. Chan responded that
2 Samsung was willing to agree to Apple’s request for an expedited schedule on Apple’s Motion to
3 Compel, but that Samsung would require at least six business days to prepare its opposition.

4 7. I responded to Ms. Chan’s email that day at 6:10 p.m, informing her that providing
5 Samsung with six business days to respond would result in a hearing date after September 30,
6 2011—the due date for Apple’s Reply in Support of its Motion for Preliminary Injunction. I then
7 proposed the following schedule: Samsung could file its opposition to Apple’s Motion to Compel
8 by Noon on Monday, September 26; Apple would file its reply the next day; and we could then
9 request that the hearing could be set for September 28.

10 8. Ms. Chan responded to this email proposal on Thursday, September 22, 2011, at
11 11:23 a.m. Ms. Chan stated that Samsung needed 8 business days to file its Opposition. This
12 would make Samsung’s filing date September 30, 2011, the same day as Apple’s Reply in
13 Support of its Motion for Preliminary Injunction.

14 9. Thereafter, I asked opposing counsel to place a joint call to the Court to see if the
15 schedule could be decided telephonically. They declined. Opposing counsel offered to take less
16 than 4 days to respond to Apple’s Motion to Shorten Time, which they stated could possibly place
17 the hearing on the Motion to Compel on October 4, 2011.

18 10. At 8:51 p.m. on Thursday, September 22, Ms. Rachel Herrick Kassabian, counsel
19 for Samsung, stated that Samsung could respond to Apple’s Motion to Shorten Time within two
20 days.

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22 Executed on September 22, 2011 in Los Angeles, California.

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25 By: /s/ Wesley E. Overson
26 Wesley E. Overson
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ECF ATTESTATION

I, JASON R. BARTLETT, am the ECF User whose ID and password are being used to file the following document: OVERSON DECLARATION IN SUPPORT OF PLAINTIFF’S MOTION TO SHORTEN TIME FOR BRIEFING AND HEARING ON PLAINTIFF’S MOTION to COMPEL. In compliance with General Order 45, X.B., I hereby attest that Wesley Overson has concurred in this filing.

Dated: September 22, 2011

**JASON R. BARTLETT
MORRISON & FOERSTER LLP**

By: /s/ Jason R. Bartlett
JASON R. BARTLETT