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13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
 15 **SAN JOSE DIVISION**

17 APPLE INC., a California corporation,

18 Plaintiffs,

19 vs.

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

23 Defendants.

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

**SELWYN DECLARATION IN SUPPORT
 OF JOINT STIPULATION AND
 [PROPOSED] ORDER EXTENDING
 BRIEFING SCHEDULE FOR
 SAMSUNG'S MOTION TO DISMISS
 APPLE'S AMENDED
 COUNTERCLAIMS**

Date: April 5, 2012
 Time: 1:30 p.m.
 Place: Courtroom 8, 4th Floor
 Judge: Hon. Lucy H. Koh

1 SAMSUNG ELECTRONICS CO., LTD., a
2 Korean business entity, SAMSUNG
3 ELECTRONICS AMERICA, INC., a New
4 York corporation, and SAMSUNG
5 TELECOMMUNICATIONS AMERICA,
6 LLC, a Delaware limited liability company, a
7 California corporation,

8 Counterclaim-Plaintiff,

9 v.

10 APPLE INC., a California corporation,
11 Counterclaim-Defendants.

12 I, Mark D. Selwyn, declare as follows:

13 1. I am a partner in the law firm of Wilmer Cutler Pickering Hale and Dorr
14 LLP, counsel for Apple Inc. (“Apple”) in this action. I have personal knowledge of the facts set
15 forth in this declaration and, if called upon as a witness, I could and would testify to such facts
16 under oath.

17 2. This declaration is submitted in support of the proposed stipulation and
18 order filed jointly by Apple and Samsung requesting an order from this Court extending the
19 briefing schedule for Samsung’s Motion to Dismiss Apple’s Amended Counterclaims (“Motion
20 to Dismiss”).

21 3. On November 22, 2011, Samsung filed its Motion to Dismiss.

22 4. Apple’s opposition to Samsung’s Motions to Dismiss is due on December
23 6, 2011.

24 5. Samsung’s reply is due on December 13, 2011.

1 6. The Court has scheduled a hearing on Samsung's Motion to Dismiss at 1:30
2 p.m. on April 5, 2012.

3 7. The parties have met and conferred regarding the briefing schedule on
4 Samsung's Motion to Dismiss, and have agreed to as follows:

5 a. The time for Apple to respond to Samsung's Motion to Dismiss
6 would be extended fourteen (14) days, up to and including December 20; and
7

8 b. Samsung would file its reply in support of its Motion to Dismiss
9 by January 9, 2012.

10 8. Previous time modifications in this case, whether by stipulation or Court
11 order, include the following:

12 a. On April 26, 2011, the Court granted Apple's motion to shorten
13 time for briefing and hearing on its motion to expedite discovery. (Dkt No. 26.)
14

15 b. On May 9, 2011, Apple and Samsung stipulated and agreed that
16 the time for Samsung to serve responsive pleadings pursuant to Rule 12(a) shall be 75 days after
17 April 21, 2011. On May 10, 2011, the Court signed the Stipulation and Order regarding an
18 extension of time for Samsung to serve responsible pleadings.
19

20 c. On June 1, 2011, the Court granted in part Samsung's request to
21 shorten time for hearing and briefing on Samsung's Motion to Compel Reciprocal Expedited
22 Discovery.
23

24 d. On July 18, 2011, the Court ordered a briefing schedule related to
25 expedited discovery and Apple's motion for a preliminary injunctions, setting dates from July
26 2011 through the October 13, 2011 hearing on Apple's Motion for Preliminary Injunction.
27
28

1 e. On July 20, 2011, the parties stipulated to altering the briefing
2 schedule on Samsung's Motion to Disqualify Bridges and Mavrakakis LLP to reflect the Court's
3 change in hearing dates, extending the time for both Apple's opposition and Samsung's reply by
4 seven days to August 1 and August 8, respectively.

5
6 f. On August 8, 2011, the parties stipulated to extend Samsung's
7 discovery deadline from August 8 until August 16.

8 g. On September 1, 2011, the Court granted the parties' stipulation to
9 an expedited briefing schedule for Samsung's Motion to Compel Apple to Produce Documents
10 and Things in Response to Samsung's Request for Production No. 1 and Further Responses to
11 Interrogatories Nos. 1, 3, and 6, setting the hearing on Samsung's motion to compel for
12 September 13, 2011, the deadline for Apple's opposition on September 9, 2011, and the deadline
13 for Samsung's reply on September 12, 2011.

14
15 9. This stipulation does not affect the currently scheduled hearing date of
16 April 5, 2012.

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

19
20 I declare under penalty of perjury that the foregoing is true and correct. Executed on
21 December 1, 2011 in Palo Alto, California.

22
23 _____
24 /s/ Mark D. Selwyn
25 MARK D. SELWYN
26
27
28