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 11 Attorneys for Plaintiff and
 Counterclaim-Defendant APPLE INC.

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

16
 17 APPLE INC., a California corporation,
 18 Plaintiff,
 19 v.
 20 SAMSUNG ELECTRONICS CO., LTD., A
 Korean business entity; SAMSUNG
 21 ELECTRONICS AMERICA, INC., a New York
 corporation; SAMSUNG
 22 TELECOMMUNICATIONS AMERICA, LLC, a
 Delaware limited liability company.,
 23 Defendants.
 24

Case No. 11-cv-01846-LHK (PSG)

**DECLARATION OF
 MICHAEL A. JACOBS IN
 SUPPORT OF APPLE'S
 MOTION TO SHORTEN TIME**

1 I, MICHAEL A. JACOBS, declare as follows:

2 1. I am an attorney with the law firm of Morrison & Foerster LLP, counsel for Apple
3 Inc. (“Apple”). I am licensed to practice law in the State of California. Unless otherwise
4 indicated, I have personal knowledge of the matters stated herein or understand them to be true
5 from members of my litigation team. I make this declaration in support of Apple’s Motion to
6 Shorten Time for Briefing and Hearing of Apple’s Motion to Compel.

7 2. Apple’s Motion to Compel seeks the production of documents showing Samsung’s
8 analysis and consideration of Apple and Apple’s products; design history documents showing the
9 decision-making process that led to the design of Samsung’s products; and source code and other
10 technical documents showing the operation of the accused aspects of Samsung’s devices. Apple
11 has tried at length to resolve Samsung’s lack of production in this area without seeking court
12 intervention, as described in greater detail in the concurrently-filed Declaration of Michael Jacobs
13 in Support of Apple’s Administrative Motion for Relief from Lead Counsel Meet and Confer
14 Requirement and Declaration of Mia Mazza in Support of Apple’s Motion to Compel Production
15 of Documents and Things.

16 3. This production is critical for Apple to prosecute its case, as since October 13,
17 2011, the date of the Preliminary Injunction hearing in this case, Samsung has produced only **71**
18 **documents totaling 241 pages** responsive to Apple’s document requests in Apple’s offensive case
19 against Samsung. (Declaration of Minn Chung in Support of Apple’s Motion to Compel
20 Production of Documents and Things (“Chung Decl.”), filed concurrently herewith, at ¶ 3.)
21 These were supplementary productions of missing e-mail attachments, many of which were
22 irrelevant one-page documents containing automatic e-mail trailers regarding confidentiality. (*Id.*
23 at ¶¶ 5, 6.) By contrast, Apple has produced well over a million pages of documents; numerous
24 source code, CAD, and other native files; physical models; prototypes; and other items relevant to
25 its infringement allegations.

26 4. The fact discovery cutoff in this case is March 8, 2012. Apple has noticed 37
27 depositions of Samsung employees, expected to take place primarily during the month of January
28 2012. Most of the deponents are designers, developers, and other individuals with knowledge of

