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 and Samsung Telecommunications America LLC
 14

15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

17 APPLE INC., a California corporation,

18 Plaintiff,

19 vs.

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. 4:11-cv-01846-LHK

**DECLARATION OF MELISSA N. CHAN
 IN SUPPORT OF SAMSUNG'S
 OPPOSITION TO APPLE'S MOTION TO
 SHORTEN TIME FOR ITS MOTION TO
 COMPEL**

Date: December 16, 2011
 Time: 10:00 a.m.
 Place: Courtroom 5, 4th Floor
 Judge: Hon. Paul S. Grewal

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1 I, Melissa N. Chan, 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”). I submit this declaration in
5 support of Samsung’s Opposition to Apple’s Motion to Shorten Time for Its Motion to Compel. I
6 have personal knowledge of the facts set forth in this declaration and, if called upon as a witness, I
7 could and would testify to such facts under oath.

8 2. On November 30, 2011, counsel for Apple suggested during the parties’ meet and
9 confer conference that Samsung’s lead counsel make himself available for an in-person meet and
10 confer during the December 5-7, 2011 time frame.

11 3. On December 5, 2011, counsel for Apple sent a letter to Samsung’s counsel in
12 which Apple summarized its requests for production of documents related to purported
13 “copying,” technical documents, and consumer surveys. Apple noted that Samsung had
14 committed to producing documents responsive to these categories, but provided no meaningful
15 explanation for Apple’s urgent need for these documents by a December 15 deadline. Instead,
16 Apple said “Apple is not required to justify its reasons for needing certain categories of documents
17 on an expedited basis” and provided general statements that “Apple is entitled to these copying,
18 survey, and technical documents to litigate its offensive case” and “there is a March 8 fact
19 discovery cutoff in this case.” Apple also demanded that “to the extent that Samsung has been
20 unable to make a substantially complete production of any of these three categories of documents
21 [by December 15], Samsung will on December 15 provide a written disclosure” detailing
22 Samsung’s document search and collection procedures. Apple did not explain why Samsung’s
23 commitment to using its best efforts to produce these documents by Apple’s arbitrary December
24 15 deadline was insufficient.

25 4. In response to Apple’s December 5 letter, on December 7, 2011, counsel for
26 Samsung sent a letter to Apple’s counsel noting that despite Apple’s failure to articulate reasons
27 for its urgency or why Samsung’s previous commitments to produce were not satisfactory,
28 Samsung agreed to, among other things, prioritize the three categories of requested documents

1 and use its best efforts to substantially complete production before Apple's arbitrary December 15
2 deadline. A true and correct copy of that letter is attached as Exhibit 1.

3 5. On the evening of December 7, 2011, counsel for Apple sent an e-mail to
4 Samsung's counsel, attaching a letter asking Samsung to make a written commitment regarding
5 the production of several categories of documents, including the documents at issue in Apple's
6 motion to compel. A true and correct copy of that letter is attached as Exhibit 2.

7 6. On the morning of December 8, 2011, I responded to Apple's request, agreeing to
8 the production of such documents, but proposing more realistic dates for the substantial
9 completion of Samsung's production that would allow Apple to have the documents it seeks by
10 January 6, 2011. A true and correct copy of that e-mail is attached as Exhibit 3. Apple did not
11 respond to this proposal.

12 I declare under penalty of perjury under the laws of the United States that the foregoing is
13 true and correct.

14 Executed in Redwood Shores, CA, on December 9, 2011.

15
16 Respectfully submitted,

17 QUINN EMANUEL URQUHART &
18 SULLIVAN, LLP

19
20 By /s/ Melissa N. Chan

21 Charles K. Verhoeven

22 Kevin P.B. Johnson

23 Victoria F. Maroulis

24 Michael T. Zeller

25 Attorneys for SAMSUNG ELECTRONICS CO.,

26 LTD., SAMSUNG ELECTRONICS AMERICA,

27 INC. and SAMSUNG

28 TELECOMMUNICATIONS AMERICA, LLC

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General Order 45 Attestation

I, Victoria F. Maroulis, am the ECF user whose ID and password are being used to file this Declaration. In compliance with General Order 45(X)(B), I hereby attest that Melissa N. Chan has concurred in this filing.

/s/ Victoria Maroulis