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11 Attorneys for Plaintiff and  
 Counterclaim-Defendant APPLE INC.

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

17 APPLE INC.,  
 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

**DECLARATION OF MIA MAZZA  
 IN SUPPORT OF APPLE'S  
 OPPOSITION TO SAMSUNG'S  
 MOTION TO SHORTEN TIME**

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1 I, MIA MAZZA, 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. Except as otherwise  
4 indicated, I have personal knowledge of the matters stated herein. I make this declaration in  
5 support of Apple’s Opposition to Samsung’s Motion to Shorten Time, filed the evening of  
6 December 12, 2011.

7 2. On Monday, December 12, 2011, at 11:11 a.m. Pacific time, I received an e-mail  
8 from counsel for Samsung entitled, “Apple v. Samsung: Motion on Sherman Issues – Shortened  
9 Schedule and Leave from Lead Counsel M&C Requirement.” Attached hereto as “Exhibit A” is  
10 a true and correct copy of that e-mail and the resulting discussion thread. Samsung’s e-mail  
11 stated in relevant part, “We intend to file our motion to compel relating to Mr. Sherman’s access  
12 to Apple’s confidential documents under the protective order. Please let us know whether Apple  
13 agrees to the motion being heard on shortened time.” (*See* Ex. A.) The e-mail further stated that  
14 Samsung would be moving for administrative relief from the Court’s meet-and-confer  
15 requirement in connection with the Sherman motion. At no time did Samsung inform Apple that  
16 it planned to file a second discovery motion on or about December 12, 2011, in addition to the  
17 Sherman motion referenced in Samsung’s 11:11 a.m. e-mail.

18 3. Samsung’s lead counsel did not meet and confer with Apple’s lead counsel, in  
19 person or otherwise, regarding any of the issues raised in the motions filed by Samsung the  
20 evening of December 12, 2011. On **Saturday, December 10, 2011**, at 3:25 p.m. Pacific time, I  
21 received correspondence from counsel for Samsung requesting that Apple’s lead counsel meet  
22 and confer with Samsung’s lead counsel at 2 p.m. Pacific time on **Sunday, December 11, 2011—**  
23 **less than 24 hours later**. Attached hereto as “Exhibit B” is a true and correct copy of that letter.  
24 To avoid the need to file under seal, Apple has redacted unrelated portions of the letter that  
25 contain Apple-confidential information.

26 4. Attached hereto as “Exhibit C” is a true and correct copy of my e-mail response to  
27 Samsung’s December 10, 2011, letter, reminding Samsung’s counsel that Apple’s lead counsel  
28 had left for Tokyo the day before and would not be available over the weekend. I stated further

1 that Apple's lead counsel's plane would be landing at 9 a.m. Pacific time on Tuesday,  
2 December 13, 2011, and that he would make himself available for a meeting anytime after noon.  
3 I did not receive any reply to this e-mail.

4 5. As of the time of this Declaration, Samsung has not identified a single time when  
5 its lead counsel would make himself available to meet and confer regarding Samsung's issues or  
6 any other issues, other than 2 p.m. on Sunday, December 11, 2011, and December 19, 2011.

7 6. Starting on November 30, 2011, Apple made extensive, good-faith efforts to  
8 schedule a lead counsel meet-and-confer discussion in person (or otherwise) to take place on  
9 December 5, 6, or 7, 2011, regarding Apple's issues. As detailed in Apple's Administrative  
10 Motion for Temporary Relief from Lead Counsel Meet and Confer Requirement (Dkt. 463), filed  
11 on December 8, 2011, and granted by Judge Koh on December 9, 2011 (Dkt. 472), and the  
12 Declaration of Michael Jacobs filed in support therewith (Dkt. 463-1), Samsung refused to make  
13 its lead counsel available for a meet-and-confer discussion of Apple's issues at any time before  
14 December 19, 2011.

15 7. Since October 19, 2011, the parties have engaged in weekly meet-and-confer  
16 discussions regarding outstanding discovery issues. We have discussed most, if not all, of the  
17 issues raised in Samsung's motions filed December 12, 2011. For nearly all of the issues, Apple  
18 has agreed to provide most or all of what Samsung requested. For example, Samsung requested a  
19 large number of discovery papers, court filings, and transcripts from the *Apple v. Motorola* case  
20 for purposes of its claim construction briefing. Apple produced all of the *Motorola* papers it  
21 could locate—nearly a thousand documents—on November 23, 2011. On December 11, 2011,  
22 Samsung advised Apple that there were four items it could not locate in the *Motorola* production.  
23 Apple is currently in the process of working to locate those four items in its production or  
24 elsewhere, and Apple has agreed that it will produce the information as soon as it is found. To  
25 my knowledge, Samsung has not requested any additional documents for purposes of claim  
26 construction.

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I declare under penalty of perjury that the foregoing is true and correct. Executed this  
13th day of December 2011 at San Francisco, California.

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*/s/ Mia Mazza*  
Mia Mazza

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**ATTESTATION OF E-FILED SIGNATURE**

I, Rich S.J. Hung, 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 Mia Mazza has concurred in this filing.

Dated: December 13, 2011

/s/ Rich S.J. Hung  
Rich S.J. Hung