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CO., LTD., SAMSUNG ELECTRONICS
14 AMERICA, INC. and SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC
15

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

18 APPLE INC., a California corporation,

19 Plaintiff,

20 vs.

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

24 Defendants.
25

CASE NO. 11-cv-01846-LHK

**AMENDED DECLARATION OF DIANE
C. HUTNYAN IN SUPPORT OF
SAMSUNG'S ADMINISTRATIVE
MOTION FOR TEMPORARY RELIEF
FROM MEET AND CONFER
REQUIREMENT**

Date: December 16, 2011

Time: 10:00 a.m.

Place: Courtroom 5, 4th Floor

Judge: Hon. Paul S. Grewal

1 I, Diane C. Hutnyan, declare:

2 1. I am a partner with 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 am licensed to practice law in
5 the state of California. I submit this declaration in support of Samsung's Motion for Temporary
6 Relief from the Meet and Confer Requirement. I have personal knowledge of the facts set forth
7 in this declaration and, if called upon as a witness, I could and would testify to the following facts.

8 2. In a letter dated November 20, 2011, counsel for Samsung requested dates when
9 Apple would make its lead counsel available for a meet and confer. Apple did not respond to
10 that request.

11 3. Lead counsels for both parties have acknowledged that their busy schedules make
12 in-person meet and confer on the issues impractical. During the parties' weekly meet and confer
13 call on November 30, 2011, Apple's counsel advised Samsung that Apple's lead trial counsel,
14 Harold McElhinny, was available only on December 5, 6, and 7, 2011, to meet and confer on
15 issues Apple had raised. Apple has communicated that Mr. McElhinny is out of the country until
16 December 13. Samsung's lead trial counsel, Charles K. Verhoeven, is currently appearing before
17 the ITC and will not be available for an in-person meet and confer until December 19, 2011.

18 4. On December 6, 2011, counsel for Samsung sent to counsel for Apple a proposed
19 stipulation that would permit telephonic lead counsel meet and confer to discuss discovery issues
20 for both parties. Apple rejected that proposal and instead unilaterally filed its Administrative
21 Motion that requested only one-sided relief.

22 5. On December 10, 2011, counsel for Samsung again sent to counsel for Apple a
23 letter requesting Apple to participate in a lead trial meet and confer telephone call pursuant to the
24 Court's December 8, 2011 Order [D.N. 472], and detailed the unresolved issues that Samsung
25 required to be addressed. In an email on December 11, 2011, Apple refused to have a lead trial
26 counsel meet and confer, even via telephone, until after 12:00 p.m. on Tuesday, December 13,
27 2011, when Mr. McElhinny returned from Tokyo to San Francisco.

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6. Counsel for Samsung sent an email to counsel for Apple on December 12, 2011 requesting that Apple agree to an expedited schedule for briefing and hearing of Samsung's motion to compel and requesting that Apple stipulate to Samsung's motion for leave from the lead counsel meet and confer requirement. Apple did not agree to Samsung's request.

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

Executed in Los Angeles, California on December 13, 2011.

By /s/ Diane C. Hutnyan
Diane C. Hutnyan

