

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP
 Charles K. Verhoeven (Cal. Bar No. 170151)
 2 charlesverhoeven@quinnemanuel.com
 50 California Street, 22nd Floor
 3 San Francisco, California 94111
 Telephone: (415) 875-6600
 4 Facsimile: (415) 875-6700

5 Kevin P.B. Johnson (Cal. Bar No. 177129)
 kevinjohnson@quinnemanuel.com
 6 Victoria F. Maroulis (Cal. Bar No. 202603)
 victoriamaroulis@quinnemanuel.com
 7 555 Twin Dolphin Drive 5th Floor
 Redwood Shores, California 94065
 8 Telephone: (650) 801-5000
 Facsimile: (650) 801-5100

9 Michael T. Zeller (Cal. Bar No. 196417)
 10 michaelzeller@quinnemanuel.com
 865 S. Figueroa St., 10th Floor
 11 Los Angeles, California 90017
 Telephone: (213) 443-3000
 12 Facsimile: (213) 443-3100

13 Attorneys for SAMSUNG ELECTRONICS
 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

**DECLARATION OF RACHEL HERRICK
 KASSABIAN IN SUPPORT OF
 SAMSUNG'S MOTION TO SHORTEN
 TIME FOR BRIEFING AND HEARING
 ON ITS MOTION TO EXTEND TIME
 FOR COMPLIANCE WITH CERTAIN
 DEADLINES SET BY THE COURT'S
 DECEMBER 22, 2011 ORDER**

1 I, Rachel Herrick Kassabian, declare:

2 1. I am a partner 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") in this action. Unless otherwise
5 indicated, I have personal knowledge of the facts set forth in this declaration and, if called upon as
6 a witness, I could and would testify as follows.

7 2. The relief requested in Samsung's Motion to Shorten Time is necessary in order to
8 allow the Court to decide Samsung's Motion to Extend Time for Compliance with Certain
9 Deadlines Set by the Court's December 22, 2011 Order before the Court-ordered deadline for
10 compliance passes. Pursuant to the Court's order, Samsung has until December 31, 2011 to
11 complete the production of a broad range of documents requested by Apple. Samsung has been
12 working literally around the clock to comply with Apple's request, and will have produced the
13 majority of the requested documents by the December 31 deadline.

14 3. Despite Samsung's round-the-clock efforts, there is a discrete subset of documents
15 that Samsung will not be able to produce by the December 31 deadline.

16 4. Counsel for Samsung reached out to counsel for Apple as soon as it became
17 apparent that Samsung would not be able to meet the December 31 deadline with respect to the
18 limited subset of documents. Samsung offered to stipulate to a revised deadline of January 9,
19 2012 for the limited documents remaining to be produced. At 1:43pm on December 29, 2011,
20 Apple communicated its intention to oppose Samsung's request.

21 5. Counsel for Samsung also requested that, in the event that Apple opposed
22 Samsung's Motion to Extend Time, Apple stipulate to the expedited briefing schedule set forth in
23 Samsung's motion to shorten time. Apple indicated without explanation that it opposes this
24 request as well, and offered no alternative schedule.

25 6. Pursuant to L.R. 6-3(a)(5), previous time modifications in the case, whether by
26 stipulation or Court order, include the following:

27

28

- 1 A. On April 26, 2011, the Court granted Apple's motion to shorten time for
2 briefing and hearing on its motion to expedite discovery. (Dkt No. 26.)
- 3 B. On May 9, 2011, Apple and Samsung stipulated and agreed that the time for
4 Samsung to serve responsive pleadings pursuant to Rule 12(a) shall be 75
5 days after April 21, 2011. On May 10, 2011, the Court signed the
6 Stipulation and Order regarding an extension of time for Samsung to serve
7 responsive pleadings. (Dkt No. 40.)
- 8 C. On June 1, 2011, the Court granted in part Samsung's request to shorten
9 time for hearing and briefing on Samsung's Motion to Compel Reciprocal
10 Expedited Discovery. (Dkt No. 59.)
- 11 D. On July 18, 2011 the Court ordered a briefing schedule related to expedited
12 discovery and Apple's motion for a preliminary injunction, setting dates
13 from July 2011 through the October 13, 2011 hearing on Apple's Motion
14 for Preliminary Injunction. (Dkt No. 115.)
- 15 E. On July 21, 2011, the Court granted the parties' stipulation to extend the
16 time for briefing Samsung's Motion to Disqualify Counsel Bridges &
17 Mavrakakis, LLP. (Dkt No. 125.)
- 18 F. On September 1, 2011 the Court granted Samsung's stipulated motion to
19 expedite briefing on Samsung's Motion to Compel Apple to Produce
20 Documents and Things. (Dkt No. 199)
- 21 G. On September 6, 2011 the Court granted Apple's stipulated motion to
22 extend time for Apple to respond to Samsung's Motion to Exclude the
23 Ordinary Observer Opinions of Apple Expert Cooper Woodring. (Dkt No.
24 210.)
- 25 H. On September 20, 2011, the Court granted Samsung's unopposed motion to
26 change the hearing date on its motion to dismiss. (Dkt No. 244.)
- 27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- I. On September 23, 2011, the Court granted Apple’s motion to shorten time to expedite briefing on Apple’s motion to compel. (Dkt No. 255.)
- J. On October 3, 2011, the Court granted-in-part Samsung’s motion to shorten the briefing and hearing schedule on Samsung’s motion to compel. (Dkt No. 287.)
- K. On October 27, 2011, the Court granted Apple’s motion to shorten time for the briefing and hearing schedule for its motion for a protective order. (Dkt No. 332.)
- L. On October 31, 2011, the Court granted Samsung’s motion to shorten the briefing and hearing schedule on Samsung’s motion to compel. (Dkt No. 350.)
- M. On December 9, 2011, the Court granted Apple’s motion to shorten time for briefing and hearing on Apple’s motion to compel. (Dkt No. 477.)
- N. On December 13, 2011, the Court granted Samsung’s motion to shorten time for briefing and hearing on Samsung’s motion to compel. (Dkt. No. 499).
- O. On December 22, 2011, the Court granted Apple’s motion to shorten time for briefing and hearing on Apple’s motion to strike. (Dkt. No. 538).

7. The present request to shorten the briefing and hearing schedule on Samsung’s Motion to Extend Time for Compliance with Certain Deadlines Set by the Court’s December 22, 2011 Order will not affect the schedule of the case.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Truckee, California on December 29, 2011.

/s/ Rachel Herrick Kassabian

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 Rachel Herrick Kassabian has concurred in this filing.

/s/ Victoria Maroulis