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14 Attorneys for SAMSUNG ELECTRONICS CO.,
LTD., SAMSUNG ELECTRONICS AMERICA,
15 INC. and SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC
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17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

19
20 APPLE INC., a California corporation,

21 Plaintiff,

22 vs.

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

26 Defendant.
27

CASE NO. 11-cv-01846-LHK

**DECLARATION OF TODD BRIGGS IN
SUPPORT OF SAMSUNG'S MOTION TO
SHORTEN TIME FOR BRIEFING AND
HEARING**

1 I, Todd M. Briggs, declare:

2 1. I am a partner at Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Samsung
3 Electronics Co., Ltd., Samsung Electronics America, Inc. and Samsung Telecommunications
4 America, LLC (collectively, “Samsung”). I am licensed to practice law in the State of California.
5 I submit this declaration in support of Samsung’s Motion to Shorten Time for Briefing and
6 Hearing. I have personal knowledge of the facts set forth in this declaration and, if called upon as
7 a witness, I could and would testify to the following facts.

8 2. On January 24, 2012, Victoria Maroulis, counsel for Samsung, informed Peter
9 Kolovos and Mark Selwyn, counsel for Apple, that Samsung planned to file its Motion to Amend
10 Infringement Contentions.

11 3. Samsung provided Apple a draft stipulation to shorten time and offered Apple the
12 opportunity to revise it.

13 4. Attached hereto as Exhibit A is a true and accurate copy of correspondence from
14 counsel for Apple stating they intended to decline, received January 24, 2012.

15 5. Since November, Samsung has sought an agreement from Apple to supplement its
16 infringement contentions. Apple has been aware of the substance and form of the proposed
17 supplement for more than a month.

18 6. Apple’s last minute change in tactics have necessitated the filing of this Motion and
19 the concurrently filed Motion for Leave to Amend Its Infringement Contentions.

20 7. Without the shorten time for briefing and hearing, Samsung will not able to
21 conduct discovery on the iPhone 4S.
22

23 8. Pursuant to L.R. 6-3(a)(5), previous time modifications in the case, whether by
24 stipulation or Court order, include the following:
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26 A. On April 26, 2011, the Court granted Apple’s motion to shorten time for
27 briefing and hearing on its motion to expedite discovery. (Dkt No. 26.)
28

- 1 B. On May 9, 2011, Apple and Samsung stipulated and agreed that the time for
2 Samsung to serve responsive pleadings pursuant to Rule 12(a) shall be 75
3 days after April 21, 2011. On May 10, 2011, the Court signed the
4 Stipulation and Order regarding an extension of time for Samsung to serve
5 responsive pleadings. (Dkt No. 40.)
- 6 C. On June 1, 2011, the Court granted in part Samsung's request to shorten
7 time for hearing and briefing on Samsung's Motion to Compel Reciprocal
8 Expedited Discovery. (Dkt No. 59.)
- 9 D. On July 18, 2011 the Court ordered a briefing schedule related to expedited
10 discovery and Apple's motion for a preliminary injunction, setting dates
11 from July 2011 through the October 13, 2011 hearing on Apple's Motion
12 for Preliminary Injunction. (Dkt No. 115.)
- 13 E. On July 21, 2011, the Court granted the parties' stipulation to extend the
14 time for briefing Samsung's Motion to Disqualify Counsel Bridges &
15 Mavrakakis, LLP. (Dkt No. 125.)
- 16 F. On September 1, 2011 the Court granted Samsung's stipulated motion to
17 expedite briefing on Samsung's Motion to Compel Apple to Produce
18 Documents and Things. (Dkt No. 199)
- 19 G. On September 6, 2011 the Court granted Apple's stipulated motion to
20 extend time for Apple to respond to Samsung's Motion to Exclude the
21 Ordinary Observer Opinions of Apple Expert Cooper Woodring. (Dkt No.
22 210.)
- 23 H. On September 20, 2011, the Court granted Samsung's unopposed motion to
24 change the hearing date on its motion to dismiss. (Dkt No. 244.)
- 25 I. On September 23, 2011, the Court granted Apple's motion to shorten time
26 to expedite briefing on Apple's motion to compel. (Dkt No. 255.)
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- 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).
- P. On December 30, 2011, the Court granted Samsung’s motion to shorten time for briefing and hearing on its motion to extend time for compliance. (Dkt. No. 566).
- Q. On January 11, 2012, the Court granted the parties’ stipulated motion to shorten time for briefing and hearing on their discovery motions. (Dkt. No. 610).
- R. On January 17, 2012, the Court granted the parties’ stipulated motion to enlarge time for briefing discovery motions. (Dkt. No. 635).

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9. The present request to shorten the briefing and hearing schedule on Samsung's Motion for Leave to Supplement Its Infringement Contentions will not affect the schedule of the case.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Redwood Shores, California on January 24, 2012.

/s/ Todd Briggs_____

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General Order 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 Todd M. Briggs has concurred in this filing.

/s/ Victoria Maroulis