

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

Charles K. Verhoeven (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 (Bar No. 177129)

kevinjohnson@quinnemanuel.com

6 Victoria F. Maroulis (Bar No. 202603)

victoriamaroulis@quinnemanuel.com

7 555 Twin Dolphin Drive, 5th Floor

Redwood Shores, California 94065-2139

8 Telephone: (650) 801-5000

9 Facsimile: (650) 801-5100

10 Michael T. Zeller (Bar No. 196417)

michaelzeller@quinnemanuel.com

11 865 S. Figueroa St., 10th Floor

Los Angeles, California 90017

12 Telephone: (213) 443-3000

13 Facsimile: (213) 443-3100

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

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.
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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. The relief requested in Samsung's Motion to Shorten Time is necessary in order to
9 allow the Court to decide Samsung's Motion to Supplement Invalidity Contentions before the
10 close of fact discovery on March 8, 2012.

11 3. Samsung contacted Apple on January 26, 2012, requesting that Apple agree to brief
12 and hear this motion on shortened timeframe. Apple failed to respond to Samsung's request.

13 4. If the Court does not grant briefing and hearing on shortened time, the motion to
14 supplement invalidity contentions would not be briefed until late February, 2012, and likely would
15 not be heard until May 2012 (based on Samsung's understanding of the Court's calendar). By this
16 time, the fact discovery deadline – and likely the expert report and expert discovery deadlines –
17 would have passed.

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

20 A. On April 26, 2011, the Court granted Apple's motion to shorten time for
21 briefing and hearing on its motion to expedite discovery. (Dkt No. 26.)

22 B. On May 9, 2011, Apple and Samsung stipulated and agreed that the time for
23 Samsung to serve responsive pleadings pursuant to Rule 12(a) shall be 75
24 days after April 21, 2011. On May 10, 2011, the Court signed the
25 Stipulation and Order regarding an extension of time for Samsung to serve
26 responsive pleadings. (Dkt No. 40.)

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- 1 C. On June 1, 2011, the Court granted in part Samsung's request to shorten
2 time for hearing and briefing on Samsung's Motion to Compel Reciprocal
3 Expedited Discovery. (Dkt No. 59.)
- 4 D. On July 18, 2011 the Court ordered a briefing schedule related to expedited
5 discovery and Apple's motion for a preliminary injunction, setting dates
6 from July 2011 through the October 13, 2011 hearing on Apple's Motion
7 for Preliminary Injunction. (Dkt No. 115.)
- 8 E. On July 21, 2011, the Court granted the parties' stipulation to extend the
9 time for briefing Samsung's Motion to Disqualify Counsel Bridges &
10 Mavrakakis, LLP. (Dkt No. 125.)
- 11 F. On September 1, 2011 the Court granted Samsung's stipulated motion to
12 expedite briefing on Samsung's Motion to Compel Apple to Produce
13 Documents and Things. (Dkt No. 199)
- 14 G. On September 6, 2011 the Court granted Apple's stipulated motion to
15 extend time for Apple to respond to Samsung's Motion to Exclude the
16 Ordinary Observer Opinions of Apple Expert Cooper Woodring. (Dkt No.
17 210.)
- 18 H. On September 20, 2011, the Court granted Samsung's unopposed motion to
19 change the hearing date on its motion to dismiss. (Dkt No. 244.)
- 20 I. On September 23, 2011, the Court granted Apple's motion to shorten time
21 to expedite briefing on Apple's motion to compel. (Dkt No. 255.)
- 22 J. On October 3, 2011, the Court granted-in-part Samsung's motion to shorten
23 the briefing and hearing schedule on Samsung's motion to compel. (Dkt
24 No. 287.)
- 25 K. On October 27, 2011, the Court granted Apple's motion to shorten time for
26 the briefing and hearing schedule for its motion for a protective order. (Dkt
27 No. 332.)

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- 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).
- S. On January 24, 2012, the Court granted Samsung’s motion to shorten time for briefing Samsung’s motion to supplement its infringement contentions (Dkt. No. 665).

6. 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.

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I declare under penalty of perjury that the foregoing is true and correct. Executed in Redwood Shores, California on January 26, 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