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

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

19 APPLE INC., a California corporation,
 20 Plaintiff,

21 vs.

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

25 Defendants.
 26

CASE NO. 11-cv-01846-LHK (PSG)

**DECLARATION OF SARA JENKINS IN
 SUPPORT OF SAMSUNG'S MOTION TO
 ENLARGE TIME FOR BRIEFING AND
 HEARING**

Date:
 Time: 10:00 a.m.
 Place: Courtroom 5, 4th Floor
 Judge: Hon. Paul S. Grewal

1 has to consider the potential retention of experts and the application of the standards applicable to
2 preservation of documents pursuant to Korean law.

3 7. Samsung has attempted, but has not been able to obtain a stipulation from Apple to
4 change time. On May 2, 2012, my colleague Victoria Maroulis wrote to Apple's counsel with a
5 request that the briefing schedule for this Motion be aligned with the briefing schedules for the
6 parties' motions to strike. Samsung requested that the hearing for all the motions be scheduled for
7 July 10. A true and correct copy of the entire e-mail chain between Ms. Maroulis and counsel for
8 Apple, described in paragraphs 7-11, is attached as Exhibit 1.

9 8. On May 3, 2012, Apple's counsel responded and stated that it could not accept
10 Samsung's proposed schedule, but did not offer to compromise on the briefing or hearing schedule
11 for this Motion. Instead, Apple simply stated that Samsung's Opposition is due on May 15, 2012.

12 9. On May 4, 2012, Victoria Maroulis once again wrote to Apple's counsel requesting
13 a stipulation to enlarge time.

14 10. Apple's counsel did not accept Samsung's offer or propose a different briefing
15 schedule. Instead, Apple's counsel inquired about Samsung's Opposition to Apple's Motion for
16 Spoliation Sanctions in the ITC action and suggested that Samsung did not need any additional
17 time to file its Opposition since it filed an Opposition in the ITC action last week.

18 11. Victoria Maroulis responded on the same day, explaining that Apple sought
19 different remedies and once again asking for a counter-proposal. Counsel for Apple has not
20 responded since.

21 12. While Samsung filed its Opposition to Apple's Motion for Spoliation Sanctions in
22 the ITC action last week, that Opposition does not mirror Samsung's response here. In addition to
23 the fact that Apple seeks different remedies, the patents at issue are different, and Apple's
24 allegations here involve different custodians. Moreover, Samsung's obligation to preserve
25 evidence in this case arose at a different time than in the ITC action.

26 13. Upon receiving Apple's Motion after business hours on May 1, 2012, Samsung
27 assigned all available resources, including assigning a number of attorneys who had not previously
28 worked on the case, to the task of preparing the Opposition.

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14. Samsung will suffer substantial prejudice if it does not receive additional time. The sanctions Apple seeks would potentially alter the presentation of evidence to the jury and severely impact Samsung's ability to defend itself at trial.

15. The parties have requested, and the court has granted, numerous time modifications in this case. Most recently, on March 1, 2012, the court ordered a modification to the briefing schedules related to Apple's Motion to Compel the depositions of Samsung's apex witnesses and Samsung's parallel Motion for a Protective Order.

16. The time enlargement sought here will not have an impact on the schedule for the case. The sanctions Apple seeks relate to instructions that will be given to the jury at the end of the trial.

Date: May 7, 2012

/s/ Sara Jenkins
Sara Jenkins

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GENERAL ORDER ATTESTATION

I, Victoria F. Maroulis, am the ECF user whose ID and password are being used to file the foregoing **CERTIFICATE OF SERVICE**. In compliance with General Order 45 (X)(B), I hereby attest that Sara Jenkins has concurred in this filing.

DATE: May 7, 2012

/s/ Victoria Maroulis