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 11 Attorneys for Plaintiff and  
 Counterclaim-Defendant APPLE INC.

12  
 13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN JOSE DIVISION

16  
 17 APPLE INC., a California corporation,  
 18 Plaintiff,  
 19 v.  
 20 SAMSUNG ELECTRONICS CO., LTD., A  
 Korean business entity; SAMSUNG  
 21 ELECTRONICS AMERICA, INC., a New York  
 corporation; SAMSUNG  
 22 TELECOMMUNICATIONS AMERICA, LLC, a  
 Delaware limited liability company.,  
 23 Defendants.  
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Case No. 11-cv-01846-LHK (PSG)

**DECLARATION OF MIA MAZZA  
 IN SUPPORT OF APPLE INC.'S  
 MOTION TO SHORTEN TIME  
 FOR BRIEFING ON ITS MOTION  
 PURSUANT TO RULE 62(C) FOR  
 ENTRY OF PRELIMINARY  
 INJUNCTION WITHOUT  
 FURTHER HEARING**

1 I, Mia Mazza, declare as follows:

2 1. I am a partner in the law firm of Morrison & Foerster LLP, counsel for Apple Inc.  
3 (“Apple”). I am licensed to practice law in the State of California. Unless otherwise indicated, I  
4 have personal knowledge of the matters stated herein or understand them to be true from  
5 members of my litigation team. I make this Declaration in support of Apple’s Motion to Shorten  
6 Time for Briefing on Apple Inc’s Motion Pursuant to Rule 62(c) for Entry of Preliminary  
7 Injunction Without Further Hearing (“Motion”).

8 2. As detailed more fully in Apple’s Motion, the Federal Circuit has just reversed the  
9 sole ground on which this Court denied a preliminary injunction against infringement of the  
10 D’889 patent and remanded solely for this Court to assess the balance of hardships and public  
11 interest factors. *Apple, Inc. v. Samsung Elecs. Co.*, No. 2012-1105 (slip op.) (Fed. Cir. May 14,  
12 2012) (Motion Appendix 1). The shortened briefing and hearing schedule requested by Apple’s  
13 Motion is necessary to protect Apple from continuing irreparable harm caused by Samsung’s  
14 infringing conduct. This Court found *five months ago* that irreparable harm was likely to occur in  
15 the absence of injunctive relief against sales of Samsung’s Galaxy Tab 10.1. (Dkt. No. 452  
16 (“Order”) at 50.) The Federal Circuit agreed, sustaining this Court’s “finding of a likelihood of  
17 irreparable harm.” *Apple v. Samsung*, No. 2012-1105, slip op. at 25. Apple has already endured  
18 ten months of that irreparable harm since filing its preliminary injunction motion in July 2011.  
19 Now that the Federal Circuit has issued its opinion holding that this Court erred in concluding  
20 that Samsung had raised substantial questions as to the validity of the D’889 patent, Apple should  
21 not have to wait any longer for a preliminary injunction to prevent Samsung’s continuing  
22 infringement.

23 3. Moreover, this Court’s original decision was rendered on a full record, and given  
24 the additional guidance from the Federal Circuit, no further hearing should be required. Indeed,  
25 the limited nature of the Federal Circuit’s remand contemplates that no further hearing is  
26 required. *See Apple v. Samsung*, No. 2012-1105, slip op. at 33-34. After noting that this Court  
27 had made findings regarding the balance of hardships and public interest, the Federal Circuit  
28 remanded for a “similar assessment” regarding the D’889 patent. *Id.* And in explaining why



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**ATTESTATION OF E-FILED SIGNATURE**

I, Harold J. McElhinny, 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 Mia Mazza has concurred in this filing.

Dated: May 18, 2012

/s/ Harold J. McElhinny  
Harold J. McElhinny