

# Smith Declaration

## Exhibit KS4

**Kevin Smith**

---

**From:** Andrew Weiss [aweiss@raklaw.com]  
**Sent:** Monday, May 17, 2010 12:41 PM  
**To:** Jennifer A Kash; Singh, Ajay (Perkins Coie); Al-Salam, Ramsey M. (Perkins Coie); McBrayer, Ryan J. (Perkins Coie); MMWendland@rkmc.com Wendland; Kevin Smith  
**Cc:** Marc Fenster; Adam Saxon; Andrew Spangler  
**Subject:** Extension to Response to Motion to Transfer

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Counsel:**

API's response is currently due May 20. API would like an additional 2 week to respond, until June 3. The need for the extension is based on preexisting deadlines for API's counsel including multiple claim construction briefing and proceedings, and depositions in other cases. API does not believe that the requested extension prejudices Defendants and API will of course be willing to grant Defendants a similar extension if they need one. API will also not use any delay introduced by this extension as a basis for its opposition.

Please let me know if you oppose.

Andrew

--

Andrew D. Weiss  
Russ August & Kabat  
12424 Wilshire Boulevard, 12th Floor  
Los Angeles, CA 90025  
310 826-7474  
aweiss@raklaw.com

\*\*\*\*\* IRS Circular 230  
Notice: This communication is not intended to be used and cannot be used, for the purpose of avoiding U.S. federal tax-related penalties or promoting, marketing or recommending to another party any tax-related matter addressed herein.

----- This communication shall not create, waive or modify any right, obligation or liability, or be construed to contain or be an electronic signature. This communication may contain information that is legally privileged, confidential or exempt from disclosure, and is intended only for the named addressee(s). If you are not the intended recipient, please note that any dissemination, distribution, or copying of this communication is prohibited.