

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

ROCKSTAR CONSORTIUM US LP)
AND NETSTAR TECHNOLOGIES LLC,)

Plaintiffs,)

v.)

GOOGLE INC.)

Defendant.)

Civil Action No. 13-cv-00893-RG

JURY TRIAL DEMANDED

DECLARATION OF ANDREA PALLIOS ROBERTS IN SUPPORT OF GOOGLE INC.'S OPPOSITION TO ROCKSTAR'S MOTION TO STRIKE UNDER LOCAL RULE CV-7(A) GOOGLE INC.'S OPPOSITION TO PLAINTIFFS' MOTION FOR LEAVE TO FILE A SUPPLEMENTAL BRIEF IN RESPONSE TO GOOGLE'S MOTION TO TRANSFER, AND, IN THE ALTERNATIVE, CROSS-MOTION TO STAY CASE PENDING RESOLUTION OF GOOGLE'S TRANSFER MOTION

I, Andrea Pallios Roberts, declare as follows:

1. I am an attorney at the law firm of Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Defendant Google Inc. (“Google”) in this matter. I have personal knowledge of the facts stated herein and if called to testify could and would competently testify thereto.

2. On June 20, 2014, the parties met and conferred regarding Rockstar’s request for leave to file a supplemental brief regarding Google’s Motion to Change Venue (“Transfer Motion”). David A. Perlson and I participated in the meet and confer on behalf of Google. Amanda Bonn and Jeff Rambin participated on behalf of Rockstar. During that meet and confer, Google’s counsel explained to Rockstar’s counsel that Google is concerned that Rockstar’s requested relief would delay resolution of the pending Transfer Motion. Google’s counsel asked Rockstar’s counsel if Rockstar would agree to stay the litigation pending resolution of the Transfer Motion to alleviate the prejudice to Google. Rockstar did not agree.

3. Given Google’s concerns regarding further delaying resolution of the January 10 Transfer Motion, on the morning of June 24, I emailed Rockstar’s counsel to inform Rockstar that Google intended to file its opposition to Rockstar’s motion that day and that its opposition would include an alternative request for relief of staying the litigation pending resolution of the Transfer Motion, which Google understood, based on the June 20 meet and confer, Rockstar opposed. In my email, I asked if Rockstar would agree to an expedited briefing schedule.

4. Rockstar responded to Google’s request in my email by claiming that it was “the first time” it had heard of Google’s intent to seek a stay from the Court, and that the parties had not met and conferred on the issue. Although Google disagreed, I offered to meet and confer again that day so that Google could file its briefs that day. Rockstar’s counsel stated that it was not available to meet and confer until the following day.

5. The parties met and conferred again on June 25 to discuss Google's Opposition and alternative request for relief of a stay pending resolution of the Transfer Motion, and Google's Motion to Expedite. Mr. Perlson, Mark Mann, and I participated in the meet and confer on behalf of Google. Ms. Bonn and Mr. Rambin participated on behalf of Rockstar. During the meet and confer, Rockstar's counsel argued that Google's request for a stay should be filed as a separate motion because, if it were, Rockstar would be entitled to a fifteen page opposition brief, and a sur-reply giving Rockstar the last word on the issue. In response to this concern, Google's counsel offered to give Rockstar additional pages for its reply, and to discuss additional briefing. Google's counsel did not condition that offer on Rockstar's agreement on the expedited briefing schedule. But, Rockstar's counsel responded that there was no point in discussing those issues because Rockstar objects to Google's request for an expedited briefing schedule.

6. On June 27, I sent Rockstar's counsel an email, asking it to advise the Court of the misstatements made in Rockstar's brief regarding the parties' meet and confer. Rockstar refused to do so. A true and correct copy of the parties' June 27 correspondence is attached hereto as Exhibit A.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed June 27, 2014 in Redwood Shores, California.



Andrea Pallios Roberts