

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

Charles K. Verhoeven (Bar No. 170151)

2 charlesverhoeven@quinnemanuel.com

50 California Street, 22<sup>nd</sup> 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, 5<sup>th</sup> Floor

Redwood Shores, California 94065-2139

8 Telephone: (650) 801-5000

Facsimile: (650) 801-5100

9 Michael T. Zeller (Bar No. 196417)

michaelzeller@quinnemanuel.com

10 865 S. Figueroa St., 10th Floor

11 Los Angeles, California 90017

Telephone: (213) 443-3000

12 Facsimile: (213) 443-3100

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

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

18 APPLE INC., a California corporation,

19 Plaintiff,

20 vs.

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

25 Defendant.

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

**DECLARATION OF KARA BORDEN IN  
SUPPORT OF SAMSUNG'S MOTION TO  
SHORTEN TIME**

1 I, Kara Borden, declare as follows:

2 1. I am associate in the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,  
3 counsel for Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung  
4 Telecommunications America, LLC (collectively, "Samsung"). I submit this declaration in  
5 support of Samsung's Motion to Shorten Time for Briefing on its Motion to Strike Portions of  
6 Declarations of Christopher Crouse, Terry Musika, Marylee Robinson, Phillip W. Schiller, and  
7 Russell S. Winer in Support of Apple's Motion for a Permanent Injunction ("Motion to Strike"). I  
8 have personal knowledge of the facts set forth in this declaration and, if called upon as a witness, I  
9 could and would testify to such facts under oath.

10 2. On October 4, 2012, my colleague Robert Becher contacted counsel for Apple via  
11 email in order to propose a shortened briefing schedule whereby Samsung would file its Motion to  
12 Strike on October 5, 2012, Apple would file its opposition brief by October 8, 2012, Samsung  
13 would waive its right to file a reply brief, and that the Motion would be submitted on the papers.  
14 The email specified the paragraphs of Apple's declarations that Samsung would seek to strike.

15 3. Apple responded to Mr. Becher's message indicating that it would oppose a  
16 shortened briefing schedule. Attached hereto as Exhibit 1 is a true and correct copy of the email  
17 exchange with counsel for Apple.

18 4. To accommodate Apple's concerns, Samsung's motion requests that the Court  
19 require Apple to file its opposition brief on October 9, 2012.

20 5. The relief requested in Samsung's Motion to Shorten Time is necessary in order to  
21 allow the Court to decide Samsung's Motion to Strike prior to the October 19, 2012 deadline for  
22 Samsung's Opposition to Apple's Motion for a Permanent Injunction and for Damages  
23 Enhancements. Samsung needs to know what evidence will be considered by the Court in order to  
24 fashion its opposition brief. If the Court does not grant briefing and hearing on shortened time, the  
25 Motion would not be heard until November 13, 2012.

26 6. The present request to shorten the briefing and hearing schedule on Samsung's  
27 Motion to Strike will not affect the schedule of the case.

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on the 5<sup>th</sup> of October, 2012, in Los Angeles, California.

/s/ Kara Borden

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**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 Kara Borden has concurred in this filing.

/s/ Victoria Maroulis