

1 DAVID S. BLOCH (SBN: 184530)
dbloch@winston.com
2 JENNIFER A. GOLINVEAUX (SBN: 203056)
jgolinveaux@winston.com
3 MARCUS T. HALL (SBN: 206495)
mthall@winston.com
4 WINSTON & STRAWN LLP
101 California Street
5 San Francisco, CA 94111-5894
Telephone: (415) 591-1000
6 Facsimile: (415) 591-1400

7 PETER J. CHASSMAN (*pro hac vice*)
pchassman@winston.com
8 WINSTON & STRAWN LLP
1111 Louisiana, 25th Floor
9 Houston, TX 77002-5242
Telephone: (713) 651-2623
10 Facsimile: (713) 651-2700

11 Attorneys for Non-Party,
12 MOTOROLA MOBILITY LLC

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

16 APPLE, INC., a California Corporation,)
17)
Plaintiff,)
18)
v.)
19)
SAMSUNG ELECTRONICS CO., LTD., a)
20 Korean corporation; SAMSUNG)
ELECTRONICS AMERICA, INC., a New York)
21 corporation; SAMSUNG)
TELECOMMUNICATIONS AMERICA, LLC, a)
22 Delaware limited liability company,)
23 Defendants.)

CASE NO.: 11-CV-01846-LHK

**DECLARATION OF
JENNIFER A. GOLINVEAUX IN
SUPPORT OF EMERGENCY
MOTION BY NONPARTY
MOTOROLA MOBILITY LLC TO
STAY ENFORCEMENT OF
MAGISTRATE'S OCTOBER 23,
2012 ORDER SETTING DEADLINE**

[Civ. L.R. 7-11]

Date: Expedited Request
Courtroom: 8, 4th Floor
Judge: Hon. Lucy H. Koh

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DECLARATION OF JENNIFER A. GOLINVEAUX

I, Jennifer A. Golinveaux, declare and state:

1. I am an attorney at law and a partner at Winston & Strawn LLP, counsel for nonparty Motorola Mobility LLC (“Motorola”). I submit this declaration in support of Emergency Motion By Nonparty Motorola Mobility LLC To Stay Enforcement Of Magistrate’s October 23, 2012 Order Setting Deadline (“Motorola’s Motion to Stay”). I have personal knowledge of the matters set forth herein, and if called as a witness, could and would competently testify thereto.

2. On October 24, 2012, I received an e-mail from Apple’s counsel indicating that unless Motorola obtains a stay of Magistrate Grewal’s October 23, 2012 Order Setting Deadline (Dkt. No. 2080), Apple intends to publicly file an unredacted version of Exhibit 23 to the Declaration of Calvin Walden ISO Apple’s Motion to Compel Depositions of Samsung’s Purported “Apex” Witnesses” by this Friday, October 26, 2012. A true and correct copy of the October 24, 2012 e-mail I received from Apple’s counsel is attached hereto as Exhibit 1.

3. Pursuant to Civ. L.R. 7-11, on October 24, 2012, counsel for Motorola attempted to obtain a stipulation from parties to this action, Apple and Samsung, to the relief sought in Motorola’s Motion to Stay. Samsung and Apple both responded that they will not oppose Motorola’s Motion to Stay.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 24th day of October, 2012, in San Francisco, California.

Dated: October 24, 2012

/s/ Jennifer A. Golinveaux
Jennifer A. Golinveaux

EXHIBIT 1

From: Herriot, Liv [mailto:Liv.Herriot@wilmerhale.com]

Sent: Wednesday, October 24, 2012 10:31 AM

To: Chassman, Pete; Sabri, Nathan B.; Melissa Dalziel; Kolovos, Peter; Golinveaux, Jennifer A.

Cc: RHung@mofo.com; JasonBartlett@mofo.com; Crockett, Craig C.; Liao, Andrew; Selwyn, Mark

Subject: RE: Apple v. Samsung -- Motorola CBI

Pete –

Yesterday, Judge Grewal ordered Apple to file an unsealed and unredacted version of Exhibit 23 to the Declaration of Calvin Walden ISO Apple's Motion to Compel Depositions of Samsung's Purported "Apex" Witnesses by Friday, October 26, 2012. See Dkt. 2080. After that Order was entered, Motorola filed its Motion for Relief from Nondispositive Order of Magistrate Judge, asking Judge Koh to allow the Exhibit to remain sealed. This Motion did not seek to stay Judge Grewal's deadline to file this exhibit publicly, and the Local Rule does not automatically stay a magistrate judge's orders while relief is sought from a district judge. Given Judge Grewal's clear order, Apple cannot grant any more courtesy extensions and must file the document on Friday, October 26, 2012 unless Motorola seeks and obtains a stay of Judge Grewal's order while its motion before Judge Koh is pending.

Thank you,

Liv