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10 *Attorneys for Plaintiff Twitter, Inc.*

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 TWITTER, INC.,
16 Plaintiff,
17 v.
18 VOIP-PAL.COM, INC.,
19 Defendant.

Case No. 21-CV-09773-JD

**DECLARATION OF GENE LEE IN
SUPPORT OF STIPULATION TO
REQUEST EXTENSION OF BRIEFING
DEADLINES FOR VOIP-PAL'S MOTION
TO DISMISS**

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1 I, Gene Lee, declare that:

2 1. I am an attorney at the law firm Perkins Coie LLP and counsel for Plaintiff Twitter,
3 Inc., (“Twitter”) in the above-captioned matter. I am a member in good standing of the bar of New
4 York and am admitted to this Court *pro hac vice*. I am fully familiar with the facts set forth below
5 and could testify competently thereto if called upon to do so. I make this declaration pursuant to
6 Civ. L. R. 5-1(d)(5) in support of Twitter’s Opposition To VoIP-Pal’s Motion To Dismiss.

7 2. Pursuant to stipulation and order (ECF Nos. 26, 27), the deadline for filing Twitter’s
8 Opposition To VoIP-Pal’s Motion To Dismiss was March 11, 2022.

9 3. The Court’s ECF system experienced a technical failure on March 11, 2022.
10 Counsel for Twitter tried multiple times on March 11, 2022, to file Twitter’s Opposition To VoIP-
11 Pal’s Motion To Dismiss, but Twitter was unable to do so solely because of the technical failure of
12 the Court’s ECF system.

13 4. Another counsel for Twitter, a member of our administrative staff, and I tried to gain
14 access to the Court’s ECF system many times after 12:00 pm Pacific time on March 11, 2022, but
15 we were unable to do so solely because of the technical failure of the ECF system. At about 2:56 pm
16 Pacific time, I received an email from the “ECF Helpdesk” stating that the Court’s CM/ECF system
17 was experiencing a service disruption and was offline. Among our attempts to gain access to the
18 Court’s ECF system, I attempted to file Twitter’s Opposition To VoIP-Pal’s Motion To Dismiss at
19 approximately 5:00 pm Pacific time and 8:00 pm Pacific time, but I was unable to do so solely
20 because of the technical failure of the ECF system.

21 5. In view of the technical failure of the Court’s ECF system, I served by email a
22 courtesy copy of Twitter’s Opposition To VoIP-Pal’s Motion To Dismiss on counsel for VoIP-Pal
23 on March 11, 2022. That copy of Twitter’s Opposition was 24 pages in length, within the 25-page
24 limit of Civ. L. R. 7-4(b), but it overlooked this Court’s standing order, which includes a 15-page
25 limit for memoranda.

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CERTIFICATE OF SERVICE

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3 The undersigned certifies under penalty of perjury under the laws of the State of New
4 York that, on the date given below, he caused to be served a copy of **DECLARATION OF**
5 **GENE LEE IN SUPPORT OF TWITTER'S OPPOSITION TO VOIP-PAL'S MOTION**
6 **TO DISMISS** upon the following person(s) pursuant to Civ. L. R. 5-1(g) by electronic filing of
7 this document via the ECF system:

8 Lewis E. Hudnell, III
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17 Attorneys for Defendant
18 VOIP-PAL.COM, INC.

19 DATED this 14th of March, 2022, at New York, New York.

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/s/ Gene W. Lee
Gene W. Lee