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

14 APPLE INC.,  
 15  
 16 **Petitioner,**  
 17 vs.  
 18 BYD PRECISION MANUFACTURING CO.,  
 LTD. AND BYD COMPANY LIMITED,  
 19 **Respondents.**

Case No. 3:15-cv-04985-RS

**JOINT STIPULATION TO (1) EXTEND  
 TIME TO FILE REPLY BRIEF AND  
 CONTINUE HEARING (APPLE’S  
 MOTION TO COMPEL ARBITRATION  
 AND FOR PRELIMINARY  
 INJUNCTION) AND (2) EXTEND TIME  
 TO FILE OPPOSITION AND REPLY  
 BRIEFS AND CONTINUE HEARING  
 (BYD COMPANY LIMITED’S MOTION  
 TO DISMISS FOR LACK OF  
 PERSONAL JURISDICTION); and**

~~**PROPOSED**~~ **ORDER**

Hon. Richard Seeborg

1           Petitioner Apple Inc. (“Apple”) and Respondents BYD Precision Manufacturing Co., Ltd.  
2 (“Precision”) and BYD Company Limited (“Limited” and, together with Precision,  
3 “Respondents”) jointly stipulate, pursuant to Civil Local Rules 6-1(b), 6-2, and 7-12, to extend  
4 the time to file any reply brief regarding Apple’s Motion to Compel Arbitration and for  
5 Preliminary Injunction (Dkt. 3) (the “Motion to Compel Arbitration”), to extend the time to file  
6 any opposition and reply briefs regarding Limited’s Motion to Dismiss for Lack of Personal  
7 Jurisdiction (Dkt. 34) (the “Motion to Dismiss”), and to continue the hearing on the Motion to  
8 Compel Arbitration and Motion to Dismiss.

9           WHEREAS, on November 16, 2015, Apple filed a motion with this Court to (1) extend  
10 the deadline for any opposition to the Motion to Compel Arbitration from November 17, 2015 to  
11 November 24, 2015, and (2) extend the deadline for any reply in support of the Motion to  
12 Compel Arbitration from November 24, 2015 to December 1, 2015 (Dkt. 24);

13           WHEREAS, this Court granted Apple’s motion to extend time, and rescheduled the  
14 hearing on the Motion to Compel Arbitration for December 17, 2015 (Dkt. 25);

15           WHEREAS, on November 23, 2015, Apple and Respondents filed a joint stipulation with  
16 this Court to (1) extend the deadline for any opposition to the Motion to Compel Arbitration  
17 from November 24, 2015 to December 8, 2015, (2) extend the deadline for any response to  
18 Apple’s Petition for Order Compelling Arbitration and for Injunctive Relief Pending Arbitration  
19 from November 24, 2015 to December 8, 2015, (3) extend the deadline for any reply in support  
20 of the Motion to Compel Arbitration from December 1, 2015 to December 22, 2015, and (4)  
21 continue the hearing on the Motion to Compel Arbitration from December 17, 2015 to January  
22 14, 2016 (Dkt. 26);

23           WHEREAS, this Court granted the parties’ joint stipulation to extend time without  
24 revision (Dkt. 27);

25           WHEREAS, on December 14, 2015, counsel for Apple and Respondents met and  
26 conferred regarding Apple’s request for a stipulation to take jurisdictional discovery prior to  
27 filing an opposition to the Motion to Dismiss;

1           WHEREAS, on December 15, 2015, Respondents rejected Apple’s request for such a  
2 stipulation and Apple instead moved this Court for such relief in its Administrative Motion to  
3 Extend Time for Briefing and Hearing and for Leave to Take Early Jurisdictional Discovery  
4 (Dkt. 37) (the “Administrative Motion For Discovery”);

5           WHEREAS, Apple’s opposition to the Motion to Dismiss may now be due prior to the  
6 Court’s ruling on the Administrative Motion For Discovery;

7           WHEREAS, on December 18, 2015, Respondents requested that Apple stipulate to an  
8 extension regarding Respondents’ deadline to appoint an arbitrator in the related ICC Arbitration  
9 that forms the basis for this proceeding, and Respondents agreed to extend Apple similar  
10 courtesy with respect to the deadlines in this matter;

11           Now therefore, and notwithstanding any additional extension of time that the Court may  
12 grant in response to the Administrative Motion For Discovery, the parties, through the  
13 undersigned counsel, hereby stipulate as follows:

- 14           • that the deadline for filing any reply in support of the Motion to Compel  
15 Arbitration be extended to January 4, 2016;
- 16           • that the deadline for filing any opposition to the Motion to Dismiss be extended to  
17 January 4, 2016;
- 18           • that the deadline for filing any reply in support of the Motion to Dismiss be  
19 extended to January 14, 2016;
- 20           • that the hearing on the Motion to Compel Arbitration and Motion to Dismiss be  
21 continued to January 28, 2016; and
- 22           • the foregoing dates shall be reset should the Court grant the Administrative  
23 Motion For Discovery and approve the proposed schedule set forth therein (Dkt.  
24 37).

25           Pending the Court’s determination of the Administrative Motion for Discovery, the  
26 parties’ proposed time modification would impact the deadlines in this case as follows:

<b>Deadline</b>	<b>Current Date</b>	<b>Requested Date</b>
Apple's reply in support of the Motion to Compel Arbitration	12/22/2015	01/04/2016
Apple's opposition to the Motion to Dismiss	12/22/2015	01/04/2016
Limited's Reply in support of the Motion to Dismiss	12/29/2015	01/14/2016
Hearing on the Motion to Compel Arbitration and Motion to Dismiss	01/14/2016	01/28/2016

Dated: December 21, 2015

SIMPSON THACHER & BARTLETT LLP

By: /s/ Harrison J. Frahn IV  
Harrison J. Frahn IV

*Attorneys for Petitioner Apple Inc.*

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

By: /s/ Lance A. Etcheverry  
Lance A. Etcheverry

*Attorneys for Respondents BYD Company Limited and BYD Precision Manufacturing Co., Ltd.*

Pursuant to Civil Local Rule 5-1(i), the filer attests that concurrence in the filing of this document has been obtained from the signatories above.

/s/ Harrison J. Frahn IV

~~[PROPOSED]~~ ORDER

PURSUANT TO THE FOREGOING STIPULATION OF THE PARTIES, IT IS ORDERED THAT:

1. the deadline for any reply in support of Apple's Motion to Compel Arbitration and for Preliminary Injunction be extended from December 22, 2015 to January 4, 2016;
2. the deadline for any opposition to Limited's Motion to Dismiss for Lack of Personal Jurisdiction be extended from December 22, 2015 to January 4, 2016;
3. the deadline for any reply in support of Limited's Motion to Dismiss for Lack of Personal Jurisdiction be extended from December 29, 2015 to January 14, 2016; and
4. the hearing on Apple's Motion to Compel Arbitration and for Preliminary Injunction and Limited's Motion to Dismiss for Lack of Personal Jurisdiction be continued from January 14, 2016 to January 28, 2016.

DATED: 12/21, 2015



The Honorable Richard Seeborg  
United States District Court Judge