

United States District Court  
For the Northern District of California

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

**\*E-Filed 6/9/11\***

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ELAN MICROELECTRONICS CORPORATION,

**No. C 09-01531 RS**

Plaintiff,

**ORDER DENYING MOTION TO EXTEND TIME**

v.

APPLE, INC.,

Defendant.

Elan's motion to extend the deadline for filing its reply brief in support of its motion for partial summary judgment to allow it time to depose Apple's expert witness is denied. Elan has not shown good cause for its failure to anticipate these circumstances, or to address them with more celerity than by a motion filed after business hours on the day before the opposition was due. Furthermore, the possibility that the testimony sought would be dispositive to the motion is *de minimis*. Even in the event that Elan shows that its motion should be granted in whole or part but for some factual issue arising from the declaration of Apple's expert witness, there is little chance that a the expert's deposition would elicit testimony putting that factual issue to rest. Elan shall file its reply brief no later than June 16, 2011.

IT IS SO ORDERED.

Dated: 6/9/11



RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE