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12 Attorneys for Defendant and Counterclaim Plaintiff
 13 Apple Inc.

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

17 ELAN MICROELECTRONICS
 18 CORPORATION,
 19 Plaintiff and Counterclaim
 Defendant,

20 v.

21 APPLE INC.,
 22 Defendant and Counterclaim
 23 Plaintiff.

Case No. C-09-01531 RS (PSG)

**APPLE INC.'S UNOPPOSED MOTION
 FOR LEAVE TO FILE ITS
 OPPOSITION TO ELAN
 MICROELECTRONICS
 CORPORATION'S MOTION TO
 COMPEL DISCOVERY RELATED TO
 APPLE iOS APPLICATIONS FOR THE
 ACCUSED PRODUCTS ON AUGUST
 2, 2011**

1 On July 15, 2011, plaintiff Elan Microelectronics Coproration (“Elan”) filed its Motion to
2 Compel Discovery Related to iOS Applications for the Accused Products. *See* Dkt. No. 341. The
3 motion to compel was accompanied by a motion to shorten the hearing schedule from August 23,
4 2011 to August 2, 2011. *See* Dkt. No. 343. Defendant Apple, Inc. (“Apple”) opposed Elan’s
5 motion to shorten time, and on July 18, 2011 the Court denied the motion to shorten time. *See*
6 Dkt. No. 346.

7 Following the denial of Elan’s motion to shorten time, counsel for Apple made an
8 inadvertent calendaring error in determining the date that its opposition to Elan’s motion to
9 compel would be due. In particular, counsel for Apple inadvertently applied the previous Civil
10 Local Rule briefing schedule to erroneously determine that its opposition would be due on
11 Tuesday, August 2, 2011, rather than on Friday, July 29, 2011. On the afternoon of Monday
12 August 1, 2011, counsel for Elan notified Apple that it had not filed its opposition on schedule,
13 and requested clarification as to whether Apple would in fact be filing an opposition. Apple
14 confirmed that it would oppose Elan’s motion, and informed Elan of the calendaring error. Apple
15 further asked Elan to confirm that it would not oppose an extension of time to allow Apple to file
16 its opposition on August 2, 2011. Elan confirmed that it would not oppose such an extension.
17 *See* Declaration of Derek C. Walter in Support of Apple’s for Leave to File Opposition to Elan’s
18 Motion to Compel Discovery Related to iOS Applications for the Accused Products on August 2,
19 2011, Exh. A.

20 Accordingly, Apple hereby moves for leave to submit its Opposition to Elan’s Motion to
21 Compel Discovery Related to iOS Applications for the Accused Products (filed concurrently
22 herewith) on August 2, 2011, rather than on July 29, 2011. As noted above, the modest delay of
23 two business days is due entirely to an inadvertent calendaring error. Furthermore, Elan will not
24 be prejudiced by the delay, as it will still have the full seven days to prepare its reply, which will
25 be due on August 9, 2011. Additionally, under this schedule, the Court will be in possession of
26 all papers regarding Elan’s motion a full 14 days in advance of the motion hearing on August 23,
27 2011.
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