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 APPLE INC.

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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

APPLE INC., a California corporation,  
 Plaintiff,  
 v.  
 SAMSUNG ELECTRONICS CO., LTD., A  
 Korean business entity; SAMSUNG  
 ELECTRONICS AMERICA, INC., a New York  
 corporation; SAMSUNG  
 TELECOMMUNICATIONS AMERICA, LLC, a  
 Delaware limited liability company,  
 Defendants.

Case No. 4:11-cv-01846-LB

**PLAINTIFF'S MOTION TO  
 SHORTEN TIME FOR BRIEFING  
 AND HEARING ON  
 PLAINTIFF'S MOTION TO  
 EXPEDITE DISCOVERY**

Date: April 26, 2011  
 Time: 9:00 a.m.  
 Place:  
 Judge:

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**NOTICE OF MOTION AND MOTION**

TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on April 26 at 9:00 a.m., or as soon thereafter as the matter may be heard, in the United States District Court for the Northern District of California, Plaintiff Apple Inc. shall and hereby does move the Court, pursuant to Civil Local Rules 6-1(b) and 6-3, to shorten time for briefing and hearing on its accompanying Motion to Expedite Discovery.

This motion is based on this notice of motion and supporting memorandum of points and authorities; the supporting declaration of Jason R. Bartlett; and such other written or oral argument as may be presented at or before the time this motion is taken under submission by the Court.

Dated: April 19, 2011

HAROLD J. MCELHINNY  
MICHAEL A. JACOBS  
JENNIFER LEE TAYLOR  
JASON R. BARTLETT  
MORRISON & FOERSTER LLP

By: /s/ Michael A. Jacobs  
MICHAEL A. JACOBS

Attorneys for Plaintiff  
APPLE INC.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 In accordance with Civil Local Rules 6-1(b) and 6-3, Plaintiff Apple Inc. (“Apple”) moves  
3 the Court to shorten time for the briefing and hearing schedule for its Motion to Expedite  
4 Discovery. Specifically, Apple requests that the opposition to that motion be filed no later than  
5 April 29, 2011, any reply be filed by May 2, 2011, and that the hearing on that motion be set for  
6 May 3, 2011, or as soon thereafter as the matter may be heard. Because the underlying action  
7 was filed only four days ago, counsel for defendants Samsung Electronics America, Inc. and  
8 Samsung Telecommunications America, LLC (collectively, “Samsung”) have not yet entered  
9 appearances in this case and no deadlines have been set. (Declaration of Jason R. Bartlett in  
10 Support of Plaintiff’s Motion to Shorten Time for Briefing and Hearing on Plaintiff’s Motion to  
11 Expedite Discovery (“Bartlett Decl.”) ¶¶ 2-4.)

12 A court “may grant a motion to shorten time where the moving party identifies ‘the  
13 substantial harm or prejudice that would occur if the Court did not change the time.’” *Noble v.*  
14 *Kiewit Pac. Co.*, No. C 08-00666 SI, 2008 U.S. Dist. LEXIS 82243, at \*2 (N.D. Cal. Feb. 13,  
15 2008) (quoting N.D. Cal. L. Civ. R. 6-3(a)(3)). Apple has moved for an order to allow it to take  
16 limited expedited discovery of Samsung regarding products that likely infringe Apple’s  
17 intellectual property and that Samsung is currently preparing to introduce to the U.S. market.  
18 (Bartlett Decl. ¶ 5.) The urgency underlying Apple’s motion to shorten time is based on the  
19 substantial, imminent harm Apple will suffer if those products are allowed to enter the market,  
20 transforming potential prejudice into actual harm. Resolution of Apple’s Motion to Expedite  
21 Discovery at the earliest possible date will allow Apple to assess the extent to which Samsung’s  
22 soon-to-be-released products infringe Apple’s intellectual property rights before those products  
23 become entrenched in the marketplace. (Bartlett Decl. ¶ 6.)

24 Even Samsung stands to benefit from a speedy resolution to the issues identified in  
25 Apple’s Motion to Expedite Discovery, as allowing Apple immediate access to information  
26 pertaining to Samsung’s potentially infringing products will provide greater certainty regarding  
27 the legal status of those products prior to their launch dates.

1 If Apple's Motion to Shorten Time is not granted, a hearing on Apple's Motion to  
2 Expedite Discovery will not be held until May 24, 2011 at the earliest. (*Id.*) By that time,  
3 Samsung's new and likely infringing products may have entered the market, and an opportunity  
4 to prevent serious injury will be lost. (*Id.*)

5 **CONCLUSION**

6 For the foregoing reasons, Apple respectfully requests that the Court grant Apple's  
7 Motion to Shorten Time for briefing and hearing on Apple's Motion to Expedite Discovery.

8 Dated: April 19, 2011

HAROLD J. MCELHINNY  
MICHAEL A. JACOBS  
JENNIFER LEE TAYLOR  
JASON R. BARTLETT  
MORRISON & FOERSTER LLP

12 By: /s/ Michael A. Jacobs  
13 MICHAEL A. JACOBS

14 Attorneys for Plaintiff  
15 APPLE INC.

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**ECF ATTESTATION**

I, JASON R. BARTLETT, am the ECF User whose ID and password are being used to file the following document: PLAINTIFF'S MOTION TO SHORTEN TIME FOR BRIEFING AND HEARING ON PLAINTIFF'S MOTION to EXPEDITE DISCOVERY. In compliance with General Order 45, X.B., I hereby attest that Michael Jacobs has concurred in this filing.

Dated: April 19, 2011

**JASON R. BARTLETT  
MORRISON & FOERSTER LLP**

By: /s/ Jason R. Bartlett  
JASON R. BARTLETT