

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP  
 Charles K. Verhoeven (Cal. Bar No. 170151)  
 2 charlesverhoeven@quinnemanuel.com  
 50 California Street, 22nd Floor  
 3 San Francisco, California 94111  
 Telephone: (415) 875-6600  
 4 Facsimile: (415) 875-6700

5 Kevin P.B. Johnson (Cal. Bar No. 177129)  
 kevinjohnson@quinnemanuel.com  
 6 Victoria F. Maroulis (Cal. Bar No. 202603)  
 victoriamaroulis@quinnemanuel.com  
 7 555 Twin Dolphin Drive 5th Floor  
 Redwood Shores, California 94065  
 8 Telephone: (650) 801-5000  
 Facsimile: (650) 801-5100

9 Michael T. Zeller (Cal. Bar No. 196417)  
 10 michaelzeller@quinnemanuel.com  
 865 S. Figueroa St., 10th Floor  
 11 Los Angeles, California 90017  
 Telephone: (213) 443-3000  
 12 Facsimile: (213) 443-3100

13 Attorneys for SAMSUNG ELECTRONICS  
 CO., LTD., SAMSUNG ELECTRONICS  
 14 AMERICA, INC. and SAMSUNG  
 TELECOMMUNICATIONS AMERICA, LLC  
 15

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

18 APPLE INC., a California corporation,

19 Plaintiff,

20 vs.

21 SAMSUNG ELECTRONICS CO., LTD., a  
 Korean business entity; SAMSUNG  
 22 ELECTRONICS AMERICA, INC., a New  
 York corporation; SAMSUNG  
 23 TELECOMMUNICATIONS AMERICA,  
 LLC, a Delaware limited liability company,

24 Defendants.  
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CASE NO. 11-cv-01846-LHK (PSG)

**MOTION TO SHORTEN TIME  
 FOR BRIEFING AND HEARING**

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**NOTICE OF MOTION**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively “Samsung”) shall and hereby do move the Court, pursuant to Civil Local Rules 6-1(b) and 6-3, to shorten time for briefing and hearing on Samsung’s Motion to Clarify Portions of the Court’s June 30, 2012 Order Denying Samsung’s Motion for Summary Judgment. This motion is based on this notice of motion and supporting memorandum; the supporting Declaration of Adam Cashman, 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.

**RELIEF REQUESTED**

Samsung seeks an Order shortening time for briefing and hearing on its Motion to Clarify Portions of the Court’s June 30, 2012 Order Denying Samsung’s Motion for Summary Judgment.

July 17, 2012

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

By /s/ Victoria F. Maroulis

Charles K. Verhoeven  
Kevin P.B. Johnson  
Victoria F. Maroulis  
Michael T. Zeller

Attorneys for SAMSUNG ELECTRONICS CO.,  
LTD., SAMSUNG ELECTRONICS AMERICA,  
INC., and SAMSUNG  
TELECOMMUNICATIONS AMERICA, LLC

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**MEMORANDUM**

On June 30, 2012, the Court issued an Order Denying Samsung’s Motion for Summary Judgment (“Summary Judgment Order”). Samsung moves the Court to shorten time for the briefing and hearing schedule for its concurrently-filed Motion to Clarify Portions of the Court’s June 30, 2012 Order Denying Samsung’s Motion for Summary Judgment (“Motion for Clarification”). Specifically, Samsung requests that:

1. Apple’s Opposition to Samsung’s Motion for Clarification be filed on or before Friday, July 20;
2. Samsung waives its right to file a reply brief; and
3. Samsung’s Motion For Clarification be heard on Tuesday, July 24 at 1:30 pm.

In particular, Samsung seeks clarification that the Court’s Summary Judgment Order does not strike certain prior art references for all purposes, thereby broadening Judge Grewal’s June 27, 2012 Order Granting-In-Part And Denying-In-Part Motions to Strike Expert Reports (“Expert Exclusion Order”). Apple’s Motion to Strike was directed only to certain opinions set forth in Samsung’s experts’ reports, and did *not* seek to exclude prior art in its entirety. Apple never requested such an extraordinary sanction, and the Expert Exclusion Order did not grant it; rather, it granted only Apple’s request to strike certain expert opinions.

A shortened briefing schedule on Samsung's Motion for Clarification is necessary because, if adjudicated pursuant to the briefing and hearing schedule prescribed by the Local Rules, Samsung’s Motion for Clarification would not be heard until the end of trial, mooting the very relief Samsung is seeking. The evidence that is the subject of Samsung’s motion is central to Samsung’s ability to present its defenses to the jury, and delaying resolution of the motion until the end of trial could result in substantial prejudice to Samsung. Expedited resolution of Samsung’s Motion is also necessary to streamline the parties’ respective trial presentations, and to provide certainty with respect to any limitations on the purposes for which certain evidence may be used at trial.

The relief sought by Samsung’s Motion for Clarification is narrow. Samsung’s Motion does not seek to challenge the Court’s Summary Judgment Order nor the Court’s Expert Exclusion

1 Order. Instead, Samsung seeks only to clarify that the Expert Exclusion Order does not preclude  
2 the use of Samsung's long-disclosed prior art references for all purposes. A shortened briefing  
3 and hearing schedule will therefore not result in any prejudice to Apple.

4 Counsel for Samsung contacted counsel for Apple in an effort to reach agreement with  
5 respect to the briefing and hearing schedule outlined above. See Declaration of Adam Cashman  
6 in Support of Samsung's Motion to Shorten Time ¶ 2, Ex. 1. Apple did not agree to Samsung's  
7 proposed schedule, and indicated that it would oppose Samsung's Motion to Shorten Time.

8 **CONCLUSION**

9 For the foregoing reasons, Samsung respectfully requests that the Court grant Samsung's  
10 Motion to Shorten Time for Briefing and Hearing on Samsung's Motion to Stay.

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12 DATED: July 17, 2012

Respectfully submitted,

13 QUINN EMANUEL URQUHART &  
14 SULLIVAN, LLP

15  
16 By /s/ Victoria F. Maroulis

17 Charles K. Verhoeven

18 Kevin P.B. Johnson

19 Victoria F. Maroulis

20 Michael T. Zeller

21 Attorneys for SAMSUNG ELECTRONICS CO.,

22 LTD., SAMSUNG ELECTRONICS AMERICA,

23 INC. and SAMSUNG

24 TELECOMMUNICATIONS AMERICA, LLC