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8 Attorneys for Plaintiff
 APPLE INC.

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

13 APPLE INC., a California corporation,

14 Plaintiff,

15 v.

16 SAMSUNG ELECTRONICS CO., LTD., A
 Korean business entity; SAMSUNG
 17 ELECTRONICS AMERICA, INC., a New York
 corporation; SAMSUNG
 18 TELECOMMUNICATIONS AMERICA, LLC, a
 Delaware limited liability company,

19 Defendants.
 20

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

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

Date: September 23, 2011
 Time: 3:00 p.m.
 Courtroom: 5, 4th Floor
 Honorable Paul S. Grewal

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NOTICE OF MOTION AND MOTION

TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiff Apple Inc. hereby moves 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 Compel Samsung to Produce Documents and Provide Responsive Answers to Propounded Discovery (“Motion to Compel”).

This motion is based on this notice of motion and supporting memorandum of points and authorities; the supporting Declaration of Wesley E. Overson; 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: September 22, 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 Compel Samsung
4 to Produce Documents and Provide Responsive Answers to Propounded Discovery (“Motion to
5 Compel”). Specifically, Apple requests that:

- 6 1) Samsung’s opposition to the Motion to Compel be filed no later than 12:00 p.m.
7 on Monday, September 26, 2011;
8 2) Apple’s reply be filed by 12:00 p.m. on Tuesday, September 27, 2011; and
9 3) The hearing be set for September 28, 2011, or as soon thereafter as the matter may
10 be heard.

11 The shortened briefing and hearing schedule is necessary because absent such a schedule, Apple
12 will be forced to file its Reply in Support of its Motion for a Preliminary Injunction (“PI Motion,”
13 D.N. 86) on September 30, 2011 without the benefit of the discovery this Court contemplated in
14 its order of July 18, 2011. (*See* Order Setting Briefing and Hearing Schedule for Motion for
15 Preliminary Injunction, D.N. 115.) Additionally, Apple would almost certainly not receive the
16 discovery it seeks before the Preliminary Injunction hearing, which is set for October 13.

17 The PI Motion involves the design of four Samsung products. Apple asserts that Samsung
18 copied its designs. The Motion to Compel seeks documents relating to the development of the
19 designs of the accused products. As set forth in the Motion to Compel, both sides agree that these
20 documents are relevant to the issues in the Preliminary Injunction motion and hearing.

21 Given the schedule for the Preliminary Injunction hearing, Apple cannot wait for a
22 hearing under the normal Court rules. The earliest the Court could adjudicate Apple’s Motion to
23 Compel under an ordinary briefing and hearing schedule would be after the PI Motion hearing. A
24 normal schedule would thus deprive Apple of the discovery to which it is entitled under this
25 Court’s July 18 Order.

26 Samsung has suggested that a hearing on October 4, 2011 would be sufficient. However,
27 such a hearing would fall four days after the due date for Apple’s Reply in Support of the PI
28 Motion. Thus, Apple would have to file its Reply without knowing whether it will receive the

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Dated: September 22, 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.

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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 COMPEL. In compliance with General Order 45, X.B., I hereby attest that Michael Jacobs has concurred in this filing.

Dated: September 22, 2011

JASON R. BARTLETT
MORRISON & FOERSTER LLP

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