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10	UNITED STATES DISTRICT COURT			
11	NORTHERN DISTRICT OF CALIFORNIA			
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13	APPLE INC., a California corporation,	Case No. 4:11-cv-01846-LHK		
14	Plaintiff,	PLAINTIFF'S MOTION TO		
17	,	SHORTEN TIME FOR BRIEFING		
15	V.	SHORTEN TIME FOR BRIEFING AND HEARING ON PLAINTIFF'S MOTION TO		
15 16	v. SAMSUNG ELECTRONICS CO., LTD., A Korean business entity; SAMSUNG	SHORTEN TIME FOR BRIEFING AND HEARING ON PLAINTIFF'S MOTION TO COMPEL		
15 16 17	v. SAMSUNG ELECTRONICS CO., LTD., A Korean business entity; SAMSUNG ELECTRONICS AMERICA, INC., a New York corporation; SAMSUNG	SHORTEN TIME FOR BRIEFING AND HEARING ON PLAINTIFF'S MOTION TO COMPEL Date: September 23, 2011 Time: 3:00 p.m.		
15 16 17 18	v. SAMSUNG ELECTRONICS CO., LTD., A Korean business entity; SAMSUNG ELECTRONICS AMERICA, INC., a New York	SHORTEN TIME FOR BRIEFING AND HEARING ON PLAINTIFF'S MOTION TO COMPEL Date: September 23, 2011		
15 16 17 18 19	v. SAMSUNG ELECTRONICS CO., LTD., A Korean business entity; SAMSUNG ELECTRONICS AMERICA, INC., a New York corporation; SAMSUNG TELECOMMUNICATIONS AMERICA, LLC, a	SHORTEN TIME FOR BRIEFING AND HEARING ON PLAINTIFF'S MOTION TO COMPEL Date: September 23, 2011 Time: 3:00 p.m. Courtroom: 5, 4 th Floor		
15 16 17 18 19 20	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,	SHORTEN TIME FOR BRIEFING AND HEARING ON PLAINTIFF'S MOTION TO COMPEL Date: September 23, 2011 Time: 3:00 p.m. Courtroom: 5, 4 th Floor		
15 16 17 18 19 20 21	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,	SHORTEN TIME FOR BRIEFING AND HEARING ON PLAINTIFF'S MOTION TO COMPEL Date: September 23, 2011 Time: 3:00 p.m. Courtroom: 5, 4 th Floor		
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15 16 17 18 19 20 21 22 23 24 25 26	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,	SHORTEN TIME FOR BRIEFING AND HEARING ON PLAINTIFF'S MOTION TO COMPEL Date: September 23, 2011 Time: 3:00 p.m. Courtroom: 5, 4 th Floor		
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1	NOTICE OF MOTION AND MOTION		
2 3	TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:		
4	PLEASE TAKE NOTICE that Plaintiff Apple Inc. hereby moves the Court, pursuant to		
5	Civil Local Rules 6-1(b) and 6-3, to shorten time for briefing and hearing on its accompanying		
6	Motion to Compel Samsung to Produce Documents and Provide Responsive Answers to		
7	Propounded Discovery ("Motion to Compel").		
8	This motion is based on this notice of motion and supporting memorandum of points and		
9	authorities; the supporting Declaration of Wesley E. Overson; and such other written or oral		
10	argument as may be presented at or before the time this motion is taken under submission by the		
11	Court.		
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15	MORRISON & FOERSTER LLP		
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17	By: /s/ Michael A. Jacobs MICHAEL A. JACOBS	_	
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19	APPLE INC.		
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MEMORANDUM OF POINTS AND AUTHORITIES

In accordance with Civil Local Rules 6-1(b) and 6-3, Plaintiff Apple Inc. ("Apple") moves the Court to shorten time for the briefing and hearing schedule for its Motion to Compel Samsung to Produce Documents and Provide Responsive Answers to Propounded Discovery ("Motion to Compel"). Specifically, Apple requests that:

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

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

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

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

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

documents in question or whether any sanction applies. Moreover, such a hearing would fall just nine days before the PI hearing. If the Court grants the Motion to Compel on October 4, Samsung will likely claim that it cannot produce documents in time for the hearing. In addition, the documents will likely be in Korean, and Apple will need time to review them. A ruling on October 4 will thus be too late, and will deprive Apple of a key source of relevant evidence for its PI Motion.

Apple filed the Motion to Compel at its earliest opportunity. Last Friday and Saturday, almost a week after its Court-imposed deadline to produce relevant documents, Samsung *doubled its total production to date* by serving Apple with approximately 15,000 pages of documents. (*See generally* Declaration of Minn Chung in Support of Apple's Motion to Compel, lodged under seal with the Court on September 21, 2011.) Immediately upon receipt of this late production, Apple conducted an expedited review to determine the production's contents. (*See* Declaration of Wesley E. Overson in Support of Apple's Motion to Shorten Time for Briefing and Hearing on Apple's Motion to Compel ("Overson Decl.") at ¶ 3, filed concurrently herewith.) The review was completed on Tuesday, and it revealed that Samsung's production was woefully deficient. (*Id.*) On Tuesday evening, Apple filed its Motion to Compel. (*Id.* at ¶ 4.)

Apple attempted to meet and confer with Samsung to avoid burdening the Court with this administrative motion, but Samsung refused any briefing schedule that would allow Apple's motion to be heard before Apple's Reply in support of the PI motion is due. (*Id.* at ¶¶ 5-10.) Adopting Samsung's proposal will not provide Apple with sufficient time prior to the PI Hearing to use any supplemental production materials.

CONCLUSION

For the foregoing reasons, Apple respectfully requests that the Court grant Apple's Motion to Shorten Time for Briefing and Hearing on Apple's Motion to Compel.

1	Dated: September 22, 2011	HAROLD J. MCELHINNY
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3		MORRISON & FOERSTER LLP
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5		By: /s/ Michael A. Jacobs MICHAEL A. JACOBS
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7		Attorneys for Plaintiff APPLE INC.
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