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 Cellco Partnership d/b/a Verizon Wireless
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13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION
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16 APPLE INC., a California corporation,
 17 Plaintiff,
 18 vs.
 19 SAMSUNG ELECTRONICS CO., LTD., a
 Korean business entity; SAMSUNG
 20 ELECTRONICS AMERICA, INC., a New
 York corporation; SAMSUNG
 21 TELECOMMUNICATIONS AMERICA,
 LLC, a Delaware limited liability company,
 22 Defendants.
 23

CASE NO. 11-cv-01846-LHK
**NOTICE OF MOTION AND MOTION
 FOR LEAVE TO FILE BRIEF OF
 AMICUS CURIAE CELLCO
 PARTNERSHIP REGARDING APPLE'S
 MOTION FOR A PRELIMINARY
 INJUNCTION**

Date: October 13, 2011
 Time: 1:30 pm
 Courtroom 8, 4th Floor
 Judge: Hon. Lucy H. Koh

1 **NOTICE OF MOTION AND MOTION**

2 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE THAT Cellco Partnership d/b/a Verizon Wireless hereby moves
4 the Court for leave to file an amicus curiae brief addressing Apple’s preliminary injunction motion
5 (Docket No. 86).

6 **MEMORANDUM OF POINTS AND AUTHORITIES**

7 *Amicus curiae* Cellco Partnership d/b/a Verizon Wireless is a wireless carrier.¹ Verizon
8 Wireless has invested billions of dollars in developing, deploying, and operating a broadband
9 nationwide wireless network. That includes massive investments in a next-generation network
10 that promises new capabilities, including new applications and uses impossible with current
11 network technologies. Additionally, Verizon Wireless is an innovator in the field of wireless
12 communication and has devoted considerable resources to developing and patenting new
13 technology.

14 Verizon Wireless respectfully requests leave to file an amicus brief to apprise the Court of
15 public interest considerations implicated by Apple’s preliminary injunction motion regarding its
16 utility patent. *See* Apple Inc.’s Motion for a Preliminary Injunction, ECF No. 86 (July 1, 2011).
17 “District courts frequently welcome amicus briefs from non-parties concerning legal issues that
18 have potential ramifications beyond the parties directly involved or if the amicus has unique
19 information or perspective that can help the court beyond the help that the lawyers for the parties
20 are able to provide.” *Sonoma Falls Devs., LLC v. Nevada Gold & Casinos, Inc.*, 272 F. Supp. 2d
21 919, 925 (N.D. Cal. 2003). In this case, the potential effects of a preliminary injunction would go
22 far beyond Apple and Samsung. Due to its leadership and extensive experience in the wireless
23 communication industry, Verizon Wireless believes that it is uniquely positioned to describe how
24

25 ¹ Amicus curiae and its undersigned counsel represent that they have authored this brief. No party or
26 counsel for any party made any monetary contribution intended to fund the preparation or submission of
27 this brief.

1 the requested injunction may harm U.S. consumers, wireless carriers, and businesses. The parties'
2 briefing may not be able to fully explain these third-party concerns to the Court.

3 Counsel for *amicus curiae* attempted to contact the parties prior to filing this motion.
4 Counsel for Samsung indicated that it does not oppose this motion. Counsel for Apple did not
5 respond to Verizon Wireless's inquiry about Apple's position.

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8 September 23, 2011

/s Melinda M. Morton

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