

1 Defendants Samsung Electronics America, Inc., and Samsung Telecommunications
2 America, LLC (collectively “Samsung”) oppose Apple’s motion on several grounds. They argue,
3 first, that the urgency of Apple’s motion is undermined by its delay in bringing this action or
4 moving for expedited discovery. Defendants point out that although Apple relies upon press
5 accounts issued in February and March 2011 to support its claim of infringement, Apple did not
6 move for expedited discovery until April 19, 2011. Second, Samsung argues that it will be
7 severely prejudiced if the Motion to Shorten Time is granted. Samsung notes that responding to
8 Apple’s motion for expedited discovery will require coordination with Korea-based Samsung
9 Electronics Co., Ltd., which has not yet been served, and argues that it needs sufficient time to
10 analyze the prejudice it would face if Apple is granted expedited discovery. Finally, Samsung
11 notes that Apple’s motion did not fully comply with the requirements of Civil Local Rule 6-3,
12 which governs motions to shorten time.

13 Based on the limited information available at this time, the Court finds merit to both
14 parties’ arguments. Accordingly, the Court will set a briefing and hearing schedule intended to
15 provide expeditious resolution of Apple’s motion, while also affording Samsung an adequate
16 opportunity to analyze and respond to the motion. Apple’s motion for expedited discovery will be
17 briefed and argued as follows:

- 18 (1) Samsung’s opposition brief is due May 5, 2011;
- 19 (2) Apple’s reply is due May 9, 2011;
- 20 (3) The Court will hold a hearing, if necessary, on May 12, 2011, at 1:30 p.m. If the
21 motion can be resolved without oral argument, the Court will inform the parties and
22 vacate the motion hearing.

23 In addition, Apple is directed to serve Samsung Electronics Co., Ltd. as soon as possible.

24 **IT IS SO ORDERED.**

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26 Dated: April 26, 2011

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LUCY H. KOH
United States District Judge