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Attorneys for Plaintiff and  
 Counterclaim-Defendant APPLE INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

16 APPLE INC., a California corporation,  
 17 Plaintiff,  
 18 v.  
 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.

Case No. 11-cv-01846-LHK

**APPLE'S MOTION FOR  
 ADMINISTRATIVE RELIEF TO  
 EXCEED PAGE LIMIT**

1 In accordance with Northern District of California Local Rule 7-11, Apple moves the  
2 Court for administrative leave to file a 30-page Reply in support of its Motion for a Preliminary  
3 Injunction.

4 In seeking a preliminary injunction in this patent case, Apple bears the burden of showing  
5 that it will likely succeed on the merits, that it is likely to suffer irreparable harm in the absence of  
6 preliminary relief, and that the balance of equities tips in its favor and the injunction is in the  
7 public interest. *Titan Tire Corp. v. Case New Holland, Inc.*, 566 F.3d 1372, 1375-76 (Fed. Cir.  
8 2009). Samsung did not oppose Apple’s request to file an opening brief of 30 pages.  
9 Approximately 9 pages of Apple’s opening brief consisted of figures and visual comparisons  
10 relevant to the key issue of infringement. (D.N. 86.) The written text of that opening brief fit  
11 within the 25-page limit prescribed by Civil Local Rule 7-4(b). (*Id.*)

12 In its opening brief, Apple did not focus on validity issues, in reliance on the statutory  
13 presumption of patent validity. “[I]f a patentee moves for a preliminary injunction and the  
14 alleged infringer does not challenge validity, the very existence of the patent with its concomitant  
15 presumption of validity satisfies the patentee’s burden of showing a likelihood of success on the  
16 validity issue.” *Titan Tire*, 566 F.3d at 1377.

17 Samsung, however, responded to Apple’s motion with a 40-page Opposition that raised  
18 invalidity issues as to the asserted utility and design patents. (Opp’n to Mot. for Prelim. Inj.) The  
19 Opposition was 10 pages longer than Apple’s opening brief, and 15 pages more than the Local  
20 Rules permit. Civ. L.R. 7-4(b). Apple did not oppose Samsung’s request to include the 15 extra  
21 pages in its Opposition. Moreover, Samsung devoted fewer of these pages to visual comparisons  
22 and figures than Apple did in its opening brief.

23 Apple seeks leave to file a Reply brief of 30 pages. Apple’s request is commensurate  
24 with, and justified by, the additional 15 pages of space taken by Samsung for its Opposition.  
25 Apple’s Reply will once again contain numerous non-text figures within the 30 page length. In  
26 addition, Apple must now respond to Samsung’s arguments as to the invalidity of the asserted  
27 patents. *Titan Tire*, 566 F.3d at 1377. The need to respond to Samsung’s various invalidity  
28 theories justifies an extension of the page allotment. *Id.*

1           On September 28, 2011, Apple informed counsel for Samsung that it would be moving to  
2 exceed the page limit in connection with its Reply and requested agreement on the filing of a 30-  
3 page brief. (*See* Declaration of Jason Bartlett in Support of Apple’s Administrative Motion to  
4 Exceed Page Limits, filed herewith, ¶ 2 & Ex. A.) The next day, counsel for Samsung agreed to  
5 the filing of a 25-page brief, but refused to agree to Apple’s request to file a 30-page brief. (*Id.*,  
6 Ex. B.) Noting Apple’s prior accommodation of Samsung’s request for an extra 15 pages in its  
7 Opposition, counsel for Apple repeated its request and asked Samsung to reconsider its refusal.  
8 (*Id.*, Ex. C.) Counsel for Samsung responded by agreeing to Apple’s request to file a 30-page  
9 Reply brief, contingent upon Apple’s agreement to make available for deposition any declarants  
10 used in the Reply brief. (*Id.*, Ex. D.) Apple objected to the linkage of the issues. Ultimately, no  
11 agreement was reached. (*Id.*, Exs. E, F & G.)

12           For the foregoing reasons, Apple respectfully requests leave to file a 30-page Reply brief  
13 in support of its Motion for Preliminary Injunction.

14 Dated: September 29, 2011

MORRISON & FOERSTER LLP

16 By:           /s/ Jason Bartlett            
17           Jason Bartlett

18           Attorney for Plaintiff APPLE INC.