United States District Court For the Northern District of California

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8	UNITED STATES DISTRICT COURT	
9	NORTHERN DISTRICT OF CALIFORNIA	
10	SAN JOSE DIVISION	
11	APPLE INC., a California corporation,	) Case No.: 11-CV-01846-LHK
12	Plaintiff, v.	ORDER REGARDING VARIOUS ADMINISTRATIVE MOTIONS
13	SAMSUNG ELECTRONICS CO., LTD., A	
14	Korean business entity; SAMSUNG ELECTRONICS AMERICA, INC., a New York	
15	corporation; SAMSUNG TELECOMMUNICATIONS AMERICA, LLC,	
16	a Delaware limited liability company,	
17	Defendants.	
18		)
19	The Court hereby rules on several administrative motions that have been filed in relation to	
20	Apple, Inc.'s ("Apple") motion for a preliminary injunction set for hearing on October 13, 2011.	
21	I. <u>Motions to Exceed Page Limits</u>	
22	Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung	
23	Telecommunications America, LLC (collectively "Samsung")'s unopposed administrative motion	
24	for leave to file excess pages for its opposition to Apple's motion for a preliminary injunction, filed	
25	on August 22, 2011, is hereby GRANTED. ECF No. 163.	
26	Apple filed its own administrative motion for leave to file excess pages in its reply in	
27	support of Apple's motion for preliminary injunction on September 29, 2011. Samsung opposed	
28	Apple's motion on September 30, 2011. ECF No. 273. Apple filed a reply to the administrative	
	Case No.: 11-CV-01846-LHK	
	ORDER RE ADMINISTRATIVE MOTIONS	Dockets.Justia.com
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motion on the same day. ECF No. 275. After considering the arguments of the parties, Apple's request to increase the page limit on the reply brief by 15 pages is hereby GRANTED.

To the extent that Samsung wishes to object to Apple's use of non-rebuttal evidence in Apple's reply brief, Samsung may file a brief, **no more than 3 pages by October 5**, objecting to any use of non-rebuttal evidence in Apple's reply brief. The Court will disregard any substantive sur-reply arguments raised by Samsung. The Court will not accept any further briefing from either party.

## II. Motions of Amicus Curiae

Cellco Partnership dba Verizon Wireless ("Verizon") filed a motion seeking leave to file an amicus curiae brief on September 23, 2011. ECF No. 256. Apple filed an opposition to Verizon's motion on September 27, 2011. ECF No. 262. Verizon filed a reply on September 29, 2011. ECF No. 270. After considering the arguments of the parties, Verizon's motion for leave to file an amicus curiae brief is hereby GRANTED. Verizon's brief, filed at ECF No. 257, is deemed submitted.

On September 28, 2011, T-Mobile filed a motion seeking leave to file an amicus curiae brief, and to appear and argue at the October 13, 2011 preliminary injunction hearing. ECF No. 263. Apple filed an opposition to T-Mobile's motion on September 27, 2011. ECF No. 262. After considering the arguments of the parties, T-Mobile's motion for leave to file an amicus curiae brief is hereby GRANTED, in part, and DENIED, in part.<sup>1</sup> T-Mobile's motion, to the extent that it seeks leave to file an amicus brief, is GRANTED and deemed submitted. ECF No. 264. To the extent, however, that T-Mobile seeks to appear and argue at the October 13, 2011 hearing, T-Mobile's request is DENIED. T-Mobile is not a party to this litigation, and the attorneys for Samsung and Apple are fully capable of arguing the issues without the assistance of third party counsel.

Apple's request to reply to the amicus curiae briefs is DENIED. The Court considers any rebuttal argument on these issues to be duplicative and unnecessary at this time.

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 $<sup>\</sup>begin{bmatrix} 27 \\ 28 \end{bmatrix}^{1}$  Because T-Mobile's brief is deemed submitted, and the Court does not grant Apple's request to respond, the Court considers T-Mobile's motion to shorten time on the motion seeking leave to file an amicus curiae brief to be moot.

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## IT IS SO ORDERED.

Dated: September 30, 2011

LUCY HOH

United States District Judge

Case No.: 11-CV-01846-LHK ORDER RE ADMINISTRATIVE MOTIONS