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13 Attorneys for SAMSUNG ELECTRONICS  
CO., LTD., SAMSUNG ELECTRONICS  
14 AMERICA, INC. and SAMSUNG  
TELECOMMUNICATIONS AMERICA, LLC  
15

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

18 APPLE INC., a California corporation,

19 Plaintiff,

20 vs.

21 SAMSUNG ELECTRONICS CO., LTD., a  
Korean business entity; SAMSUNG  
22 ELECTRONICS AMERICA, INC., a New  
York corporation; SAMSUNG  
23 TELECOMMUNICATIONS AMERICA,  
LLC, a Delaware limited liability company,

24 Defendants.  
25

CASE NO. 11-cv-01846-LHK

**SAMSUNG'S MOTION TO SHORTEN  
TIME FOR BRIEFING AND HEARING  
ON ITS MOTION TO COMPEL**

1 Pursuant to Civil L.R. 6-3, Defendants Samsung Electronics Co. Ltd., Samsung Electronics  
2 America, Inc., and Samsung Telecommunications America, LLC (collectively, "Samsung")  
3 hereby bring this motion to shorten time for the briefing and hearing schedule on Samsung's  
4 Motion to Compel Apple to Schedule Inventor and Prosecuting Attorney Depositions (the  
5 "Motion to Compel"). Specifically, Samsung requests that:

- 6 1. Apple's opposition to the Motion to Compel be filed by 8:00 a.m. on Tuesday,  
7 October 4, 2011 (Samsung will waive its reply if the hearing is set for October 4,  
8 2011 in order to have this matter heard as expeditiously as possible); and
- 9 2. The hearing be set for October 4, 2011, at 10:00 a.m., or as soon thereafter as the  
10 matter may be heard.

11 The shortened briefing and hearing schedule is necessary because if it were set pursuant to  
12 the local rules, the hearing on Samsung's Motion to Compel would not occur until November 8,  
13 2011. However, Samsung's motion seeks to compel the depositions of numerous witnesses that  
14 the Court previously ordered Apple to produce by November 1, 2011. (Dkt No. 187 at 1.)  
15 More specifically, pursuant to the Court's Case Management Order, Apple is required to produce  
16 for deposition any and all of the inventors and prosecuting attorneys on Apple's 15 asserted  
17 patents (48 persons in total) by November 1, 2011. (*Id.*) However, as of today, and despite  
18 Samsung's repeated efforts, Apple has failed to provide even a single confirmed deposition date  
19 for 15 of those deponents, including virtually all of its design patent inventors who are current  
20 Apple employees and thus completely within Apple's control. Indeed, Apple has not even  
21 provided a date certain by which it will agree to schedule the depositions. And worse, it appears  
22 that Apple intends for tactical reasons to jam the vast majority of these key depositions into a  
23 small, eleven-day window that will impede fair and orderly discovery. Samsung cannot risk the  
24 prejudice that it would suffer if it is denied the opportunity to take the depositions, and thus needs  
25 Court relief to compel Apple to meet its previously ordered discovery obligations. Unless the  
26 Court grants an expedited briefing schedule, Samsung will have no opportunity to obtain relief  
27 from the Court until after the November 1 deadline has passed. Furthermore, at Apple's request,

1 this Court recently granted expedited briefing on an Apple motion to compel that raised more  
2 complex issues on a comparable schedule as is sought here. (Dkt No. 255.)

3 Lead counsel for Samsung and Apple have met and conferred regarding the Motion to  
4 Compel and the expedited briefing schedule, but Apple is unwilling to give Samsung the relief it  
5 seeks. (Declaration of Rachel Herrick Kassabian in Support of Samsung's Motion to Shorten the  
6 Time for Hearing and Briefing Its Motion to Compel, ¶ 2.)

7 For the foregoing reasons, Samsung respectfully requests that the Court advance the  
8 motion hearing date for Samsung's Motion to Compel to Tuesday, October 4, 2011 at 10:00 a.m.  
9 and amend the briefing schedule as outlined above.

10  
11 DATED: October 1, 2011

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13  
14 By /s/ Victoria F. Maroulis

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