

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

APPLE, INC.,	)	Case No.: C 11-1846 LHK (PSG)
	)	
Plaintiff,	)	<b>ORDER GRANTING-IN-PART</b>
v.	)	<b>DEFENDANT’S MOTION TO</b>
	)	<b>COMPEL</b>
SAMSUNG ELECTRONICS CO., LTD, a	)	
Korean corporation; SAMSUNG	)	<b>(Re: Docket No. 283)</b>
ELECTRONICS AMERICA, INC., a New York	)	
corporation; and SAMSUNG	)	
TELECOMMUNICATIONS AMERICA, LLC,	)	
a Delaware limited liability company,	)	
Defendants.	)	

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Defendants Samsung Electronics Co., LTD., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively “Samsung”) move to compel Apple to schedule inventor depositions in accordance with the court’s scheduling order of August 25, 2011<sup>1</sup> and seek an extension of the November 1, 2011 deadline for completion of the depositions in order to allow for fair preparation and effective, orderly discovery. Specifically, Samsung seeks to depose the 15 design patent inventors,<sup>2</sup> noticed by Samsung, in an orderly fashion on every other

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<sup>1</sup> See Docket No. 187.

<sup>2</sup> The court notes that Samsung’s caption on its motion indicates that it also seeks relief regarding the scheduling of prosecuting attorney depositions. Samsung’s arguments, however, as well as its oral presentation, focused exclusively on the scheduling of depositions of design patent inventors. The court therefore will do the same.

1 business day between October 14 and November 14, 2011.<sup>3</sup> Apple responds that, as of today's  
2 hearing, it has offered dates for several of the depositions already and will provide dates for the  
3 remaining depositions before the deadline. The parties appeared telephonically for oral argument  
4 on the motion earlier this evening.

5 The parties' papers set forth the details of their respective positions. The court will not  
6 repeat those arguments here and will simply rule as follows.

7 It is HEREBY ORDERED that:

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9 1. No later than Thursday, October 6, 2011, at 2:00 p.m., Apple shall tender the dates  
10 for each remaining inventor deposition.

11 2. The depositions shall be completed as soon as possible and in any event no later  
12 than October 31, 2011, in compliance with the court's previously-established deadline.

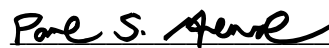
13 3. Apple is to undertake all reasonable efforts to avoid multiple booking of inventor  
14 depositions.

15 4. To the extent a dispute regarding scheduling of these depositions remains, the court  
16 will entertain a request for a further telephonic argument without delay. The parties are warned,  
17 however, that a further argument on this dispute will likely result in the issuance of sanctions.  
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19 All other relief requested by Samsung is DENIED.

20 **IT IS SO ORDERED.**

21 Dated: October 4, 2011

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24 PAUL S. GREWAL  
25 United States Magistrate Judge

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27 <sup>3</sup> Samsung has indicated its preference for starting the design patent depositions earlier than  
28 October 14, but has offered that date based on Apple's representations that it would not be able to  
schedule those inventor depositions prior to the 14<sup>th</sup>.