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11 Attorneys for Plaintiff and
 12 Counterclaim-Defendant APPLE INC.

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN JOSE DIVISION

17 APPLE INC., a California corporation,
 18 Plaintiff,
 19 v.
 20 SAMSUNG ELECTRONICS CO., LTD., A
 Korean business entity; SAMSUNG
 21 ELECTRONICS AMERICA, INC., a New York
 corporation; SAMSUNG
 22 TELECOMMUNICATIONS AMERICA, LLC, a
 Delaware limited liability company.,
 23 Defendants.
 24

Case No. 11-cv-01846-LHK (PSG)

**APPLE'S MOTION TO SHORTEN
 TIME FOR BRIEFING AND
 HEARING ON APPLE'S MOTION
 TO COMPEL PRODUCTION OF
 DOCUMENTS AND THINGS**

Date: December 16, 2011
 Time: 10:00 a.m.
 Place: Courtroom 5, 4th Floor
 Judge: Hon. Paul S. Grewal

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NOTICE OF MOTION AND MOTION

TO DEFENDANTS AND THEIR ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that Plaintiff Apple Inc. (“Apple”) hereby moves the Court, pursuant to Civil Local Rules 6-1(b) and 6-3, to shorten time for briefing and hearing on its accompanying Motion to Compel Production of Document and Things.

This motion is based on this notice of motion and supporting memorandum of points and authorities; the supporting Declaration of Michael A. Jacobs, and such other written or oral argument as may be presented at or before the time this motion is taken under submission by the Court.

Dated: December 8, 2011

MORRISON & FOERSTER LLP

By: /s/ Michael A. Jacobs
MICHAEL A. JACOBS

Attorneys for Plaintiff
APPLE INC.

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 In accordance with Civil Local Rules 6-1(b) and 6-3, Apple moves the Court to shorten
3 time for the briefing and hearing schedule for its Motion to Compel. Specifically, Apple requests
4 that:

- 5 1) Samsung’s opposition to the Motion to Compel be filed by December 12, 2011;
6 2) Apple’s reply be filed by December 14, 2011; and
7 3) The hearing take place on or about December 16, 2011.

8 The shortened briefing and hearing schedule is necessary because the design, marketing,
9 and technical documents sought in Apple’s motion to compel are at the core of Apple’s case, and
10 it is critical that Apple receive them well before January 2012. The fact discovery cutoff in this
11 case is March 8, 2012. Accordingly, Apple has noticed 37 depositions of Samsung employees
12 expected to take place primarily in January 2012. (Declaration of Michael Jacobs in Support of
13 Apple’s Motion to Shorten Time (“Jacobs Decl.”) ¶ 3.) Most of the deponents are designers,
14 developers, and other individuals with knowledge of the evolution of Samsung’s products. (*Id.*)
15 Apple will need to translate Samsung’s Korean-language documents, analyze highly technical
16 materials and source code, and piece together the design history of over thirty Samsung accused
17 products before travelling to Korea to take these depositions. (*Id.*) Moreover, even after
18 Samsung begins producing source code and other requested documents, Apple will need
19 substantial time to review these materials to determine if anything is missing and plan further
20 discovery. (*Id.* ¶ 4.) Samsung has also noticed 39 depositions of Apple witnesses.

21 This production is critical for Apple to prosecute its case, as since October 13, 2011, the
22 date of the Preliminary Injunction hearing in this case, Samsung has produced only **71 documents**
23 **totaling 241 pages** responsive to Apple’s document requests in Apple’s offensive case.
24 (Declaration of Minn Chung in Support of Apple’s Motion to Compel Production of Documents
25 and Things (“Chung Decl.”), filed concurrently herewith, at ¶ 3.) These were supplementary
26 productions of missing e-mail attachments, many of which were irrelevant one-page documents
27 containing automatic e-mail trailers regarding confidentiality. (*Id.* at ¶¶ 5, 6.) By contrast, Apple
28

1 has produced well over a million pages of documents; numerous source code, CAD, and other
2 native files; physical models; prototypes; and other items relevant to its infringement allegations.

3 Given the above discovery schedule, Apple's ability to prepare meaningfully for these
4 upcoming depositions would be significantly compromised if Apple's Motion to Compel could
5 not be heard until January 17, 2012, the earliest possible hearing date under an ordinary 35-day
6 briefing and hearing schedule.

7 Apple has proposed a briefing and hearing schedule on shortened time that would allow
8 Apple's Motion to Compel to be heard on or before December 16, 2011. From this Court's
9 calendar, it appears that hearings may not be scheduled during the week of December 19, 2011.
10 Moreover, Samsung represents that all of its attorneys are unavailable during the following week
11 (the week of December 26, 2011). Therefore, if Apple's Motion to Compel were not heard on or
12 before December 16, 2011, it likely would not be heard until next year. That would prejudice
13 Apple's ability to take productive depositions in January 2012 and to proceed with its discovery
14 plan in an orderly fashion.

15 Samsung has not proposed an alternate schedule, and did not respond to Apple's request
16 to stipulate to a shortened briefing and hearing schedule. (Jacobs Decl. ¶ 6, Ex. A.)

17 Apple has filed the Motion to Compel at its earliest opportunity. Apple first attempted to
18 resolve the issues without court intervention through extensive weekly telephonic meet-and-
19 confer discussions. (*Id.* ¶ 2.) Apple has filed concurrently an Administrative Motion for
20 Temporary Relief from Lead Counsel Meet and Confer Requirement, requesting limited relief
21 from the provision in the Court's Minute Order and Case Management Order [D.N. 187] that
22 requires the parties' lead trial counsel to meet and confer in person before a discovery motion is
23 filed. As detailed in the Administrative Motion, and the Declaration of Michael A. Jacobs in
24 Support of that motion, Apple has made a diligent, good faith effort to confer with Samsung's
25 lead trial counsel in person (or otherwise) before filing this motion, but was unsuccessful in doing
26 so.

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CONCLUSION

For the foregoing reasons, Apple respectfully requests that the Court grant Apple’s Motion to Shorten Time for Briefing and Hearing on Apple’s Motion to Compel.

Dated: December 8, 2011

MORRISON & FOERSTER LLP

By: /s/ Michael A. Jacobs
MICHAEL A. JACOBS

Attorneys for Plaintiff
APPLE INC.