

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

Charles K. Verhoeven (Bar No. 170151)

2 charlesverhoeven@quinnemanuel.com

50 California Street, 22nd Floor

3 San Francisco, California 94111

Telephone: (415) 875-6600

4 Facsimile: (415) 875-6700

5 Kevin P.B. Johnson (Bar No. 177129)

kevinjohnson@quinnemanuel.com

6 Victoria F. Maroulis (Bar No. 202603)

victoriamaroulis@quinnemanuel.com

7 555 Twin Dolphin Drive, 5th Floor

Redwood Shores, California 94065-2139

8 Telephone: (650) 801-5000

9 Facsimile: (650) 801-5100

10 Michael T. Zeller (Bar No. 196417)

michaelzeller@quinnemanuel.com

11 865 S. Figueroa St., 10th Floor

Los Angeles, California 90017

12 Telephone: (213) 443-3000

13 Facsimile: (213) 443-3100

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

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

19
20 APPLE INC., a California corporation,

21 Plaintiff,

22 vs.

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

27 Defendant.
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CASE NO. 11-cv-01846-LHK

**MOTION TO SHORTEN TIME
FOR BRIEFING AND HEARING**

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NOTICE OF MOTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on December 16, 2011 at 10:00 a.m., or as soon as the matter may be heard by the Honorable Paul S. Grewal in Courtroom 5, United States District Court for the Northern District of California, Robert F. Peckham Federal Building, 280 South 1st Street, San Jose, CA 95113, Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively “Samsung”) shall and hereby do move the Court for an order to shorten time for briefing and hearing Samsung’s motion to compel documents and things and Samsung’s motion to permit expert Itay Sherman to review design materials. This motion is based on this notice of motion and supporting memorandum; the supporting declaration of Diane C. Hutnyan; 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.

RELIEF REQUESTED

Samsung seeks an to shorten time for briefing and hearing Samsung’s motion to compel documents and things and Samsung’s motion to permit expert Itay Sherman to review design materials.

December 12, 2011

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By /s/ Victoria F. Maroulis

Charles K. Verhoeven
Kevin P.B. Johnson
Victoria F. Maroulis
Michael T. Zeller

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

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MEMORANDUM

In accordance with Local Rules 6-1(b) and 6-3, Samsung moves the Court to shorten time for the briefing and hearing schedule for its concurrently filed Motion to Compel and Motion to Permit Itay Sherman to Review Design Materials.

A shortened briefing schedule is necessary because following the Court's regular briefing schedule would result in a hearing date of January 23, 2011 (1) depriving Samsung of information it needs for its claim construction briefing due on December 22, 2011; (2) allowing Apple to keep delaying production of a great deal of other time-sensitive, highly relevant materials for another month, depriving Samsung of opportunities to conduct follow-on discovery that will allow it to prepare for further depositions and other events in the case; and (3) preventing Samsung's expert, Itay Sherman, from seeing confidential documents needed for him to prepare his expert analysis and report.

Also, the Court is already hearing discovery motions on the date proposed by Samsung. Judicial economy would be served as the Court and the parties will be present. Samsung and Apple have been negotiating these issues for weeks and Apple is already well aware of the basis for these motions.

Finally, the production of these vital documents, things and other information has already been delayed by difficulties in scheduling an in-person lead counsel meet and confer¹ and Apple's unreasonable refusal to stipulate to the same relief from the in-person lead counsel meet-and-confer requirement as it obtained for itself (not to mention its refusal to conduct *any* lead counsel meet and confer on Samsung's discovery issues until tomorrow, after this motion needed to be filed to match the briefing schedule set by the Court with respect to Apple's motion). (Hutnyan

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¹ Mr. Verhoeven is at trial in Washington, D.C. until December 19 and, according to Apple's counsel, Mr. McElhinny is out of the country until December 13, 2011. (Hutnyan Decl. ¶ 5.)

1 Decl. ¶ 4.) Further, Apple rejected Samsung's request that Apple agree to a shortened briefing and
2 hearing schedule. (*Id.*) Samsung requests a schedule conforming to the already existing schedule
3 for Apple's Motion to Compel:

- 4 1. Apple's opposition to Samsung's Motion to Compel and Motion to Permit Itay Sherman to
5 Review Design Materials by December 14, 2011;
- 6 2. No reply; and
- 7 3. The hearing to take place on December 16, 2011.

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9 **CONCLUSION**

10 Samsung has shown good cause why the Court should grant this Motion. For the
11 foregoing reasons, Samsung respectfully requests that the Court grant Samsung's
12 Motion to Shorten Time for Briefing and Hearing on Samsung's discovery motions.
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14 DATED: December 12, 2011

Respectfully submitted,

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16 QUINN EMANUEL URQUHART &
SULLIVAN, LLP

17
18 By /s/ Victoria F. Maroulis
19 Charles K. Verhoeven
20 Kevin P.B. Johnson
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