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Attorneys for Plaintiff and  
 Counterclaim-Defendant Apple Inc.

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION**

13 APPLE INC., a California corporation,  
 14 Plaintiff,  
 15 vs.  
 16 SAMSUNG ELECTRONICS CO., LTD., a  
 17 Korean business entity, SAMSUNG  
 18 ELECTRONICS AMERICA, INC., a New  
 19 York corporation, and SAMSUNG  
 TELECOMMUNICATIONS AMERICA,  
 20 LLC, a Delaware limited liability company,  
 Defendants.

Civil Action No. 11-CV-01846-LHK

**APPLE INC.'S MOTION TO SHORTEN  
 TIME FOR BRIEFING AND HEARING  
 ON APPLE'S MOTION TO STRIKE**

Hearing: TBD  
 Time: TBD

**ORAL ARGUMENT REQUESTED**

21 SAMSUNG ELECTRONICS CO., LTD., a  
 22 Korean business entity, SAMSUNG  
 23 ELECTRONICS AMERICA, INC., a New  
 24 York corporation, and SAMSUNG  
 TELECOMMUNICATIONS AMERICA,  
 25 LLC, a Delaware limited liability company,  
 Counterclaim-Plaintiffs,  
 26 v.  
 27 APPLE INC., a California corporation,  
 Counterclaim-Defendant.

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**NOTICE OF MOTION AND MOTION**

**TO DEFENDANTS SAMSUNG ELECTRONICS CO. LTD., SAMSUNG ELECTRONICS AMERICA, INC., AND SAMSUNG TELECOMMUNICATIONS AMERICA, LLC AND THEIR COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE THAT** Apple Inc. (“Apple”) hereby moves for an order, pursuant to Civil Local Rules 6-1(b) and 6-3, to shorten time for briefing and hearing on its accompanying Motion to Strike Evidence Not Disclosed as Required by Patent Local Rule 4-3(b).

This motion is based on this Notice of Motion, the accompanying Memorandum of Points and Authorities in support thereof, the supporting Declaration of Mark D. Selwyn, and any other matters properly before the Court.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

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

- 4 1) Samsung’s opposition to the Motion to Strike be filed by January 12, 2012;  
5 2) The hearing take place at or before the claim construction hearing scheduled for  
6 January 20, 2012.

7 The shortened briefing and hearing schedule is necessary because Apple is seeking to  
8 strike evidence submitted by Samsung in support of its proposed claim constructions that it did  
9 not disclose in the parties’ Joint Claim Construction and Prehearing Statement as required by  
10 Patent Local Rule 4-3(b) and the Court’s Case Management Order. The claim construction  
11 hearing is scheduled for January 20, 2012. Under an ordinary 35-day briefing and hearing  
12 schedule, Apple’s Motion to Strike could not be heard until January 26, 2012, six days after the  
13 claim construction hearing date. Since Apple seeks to strike evidence that might otherwise be  
14 considered at the claim construction hearing, it is necessary for this motion to be heard on or  
15 before January 20, 2012.

16 Apple’s proposed schedule allows this Court to consider how to address the evidence  
17 which Apple seeks to strike at the same time as the claim construction hearing. Samsung has not  
18 proposed an alternate schedule, and has not responded to Apple’s request to stipulate to a  
19 shortened briefing and hearing schedule. (Declaration of Mark Selwyn in Support of Apple’s  
20 Motion to Shorten Time ¶ 3.)

1 Dated: December 22, 2011

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Counterclaim-Defendant Apple Inc.

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been served on December 22, 2011 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Civil Local Rule 5.4. Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

/s/ Mark. D Selwyn  
Mark D. Selwyn