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 Samsung Electronics America, Inc. and
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15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

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

CASE NO. 11-cv-01846-LHK

SAMSUNG'S UNOPPOSED CIVIL L.R. 6-3 MOTION TO SHORTEN TIME FOR BRIEFING AND HEARING SCHEDULE ON SAMSUNG'S MOTION TO COMPEL APPLE TO PRODUCE RECIPROCAL EXPEDITED DISCOVERY

Honorable Lucy H. Koh
 United States District Judge

1 3 Motion to Shorten Time (“Briggs Decl.”) Ex. 10.) Samsung requested this discovery to
2 determine whether there will be a likelihood of confusion between the Samsung and Apple
3 products that will be in the market at the same time. (Id.; Briggs Decl. at ¶ 33.) Apple informed
4 Samsung that Apple does not believe that the discovery that Samsung has requested will be
5 relevant to the resolution of a motion for a preliminary injunction that Apple will bring in this
6 lawsuit. (Briggs Decl. Ex. 12.) Apple has refused to produce the discovery that Samsung has
7 requested, and has not agreed to provide any discovery prior to its filing of a preliminary
8 injunction motion. (Id.; Briggs Decl. ¶ 38.) Samsung seeks resolution of this discovery dispute
9 on a shortened schedule so that it is not prejudiced in defending against Apple’s motion for a
10 preliminary injunction by Apple’s early access to Samsung’s products and Samsung’s delayed
11 access to the discovery that it seeks from Apple. (Briggs Decl. ¶ 39.)

12 **Samsung Sought Apple's Stipulation to Shorten Time**

13 On May 24, 2011, counsel for Apple sent a letter to counsel for Samsung stating that
14 Apple was “prepared to address [Samsung’s Motion to Compel] on the expedited schedule” set
15 forth above. (Briggs Decl. Ex. 13.) On May 26, 2011, Samsung provided Apple with a draft of a
16 stipulated request to shorten the briefing and hearing schedule accordingly. (Briggs Decl. Ex. 27.)
17 On May 27, 2011, Apple's counsel replied that Apple declined to join the stipulated request.
18 (Briggs Decl. Ex. 27.) However, Apple’s counsel stated that Apple would not oppose any motion
19 that Samsung filed seeking the proposed briefing schedule on its Motion to Compel. (Id.)

20 **Samsung Will Be Prejudiced If the Court Does Not Shorten Time**

21 Currently, Samsung must produce to Apple samples of the latest iterations of the Galaxy
22 S2, Galaxy Tab 8.9, Galaxy Tab 10.1, Infuse 4G and 4G LTE, and those products’ packaging and
23 packaging inserts by June 17. (See Order Granting Limited Expedited Disc. (D.N. 52), at 6.)
24 Samsung was instructed by the Court’s courtroom deputy to notice its Motion to Compel for
25 September 1. But if Samsung’s Motion to Compel is not heard until September 1, Apple will have
26 approximately two and a half months to use Samsung’s product samples and other discovery to
27 work up its motion for a preliminary injunction and supporting evidence. In the meantime,

1 Samsung would not have the relevant discovery from Apple that it seeks to prepare its defense to
2 such a motion. Any delay in resolving the current discovery dispute would thus prejudice
3 Samsung's ability to defend itself on the merits against any motion for a preliminary injunction
4 that Apple brings. (Briggs Decl. ¶ 45.)

5 **Prior Time Modifications**

6 On Monday, April 19, 2011, Apple filed a Motion to Expedite Discovery. (D.N. 10.) Also
7 on April 19, Apple filed a Motion to Shorten Time for Briefing and Hearing on its Motion to
8 Expedite Discovery ("Motion to Shorten Time"). (D.N. 12.) The Court granted in part Apple's
9 Motion to Shorten Time, resulting in an approximately 12-day shortening of the briefing and
10 hearing schedule on Apple's Motion to Expedite Discovery that would have otherwise been
11 allowable under the Local Rules. (D.N. 26)

12 **Effect of Requested Modification**

13 The requested modification should have no effect on the rest of the schedule in this action.

14 **Conclusion**

15 For all the foregoing reasons, Samsung respectfully requests that its Motion To Shorten
16 Time For Briefing And Hearing Schedule On Samsung's Motion To Compel Apple To Produce
17 Reciprocal Expedited Discovery be granted, and that the Court order the following schedule:

- 18 • Samsung's Opening Brief on its Motion to Compel will be due on or before May 27, 2011;
 - 19 • Apple's Opposition to Samsung's Motion to Compel will be due on or before June 2,
20 2011;
 - 21 • Samsung's Reply in support of its Motion to Compel will be due on or before June 7,
22 2011; and
 - 23 • If the Court's schedule permits, a hearing on Samsung's Motion to Compel shall be held
24 on June 9, 2011 at 1:30 p.m., or as soon thereafter as counsel may be heard.
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1 DATED: May 27, 2011

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By /s/ Victoria F. Maroulis

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