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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE INC.,

Plaintiff,

v.

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

Defendant.

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

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING SCHEDULE
FOR BRIEFING APEX-RELATED
MOTION TO COMPEL AND
MOTION FOR PROTECTIVE
ORDER**

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Pursuant to Civil L.R. 6-2, Apple and Samsung file this Stipulation requesting that the Court revise the briefing schedule for Apple’s Apex Motion and Samsung’s related Protective Order Motion.

WHEREAS, on February 16, 2012, Apple filed and served a Motion to Compel Depositions of 14 of Samsung’s Purported “Apex” Witnesses (“Apex Motion”) (Docket No. 736);

WHEREAS, on February 23, 2012, Samsung filed and served a Motion for Protective Order (“Protective Order Motion”) relating to the Apex Motion (Docket No. 754-2);

WHEREAS, Apple’s opposition to the Protective Order Motion and its reply in support of the Apex Motion are currently due on March 8 and March 15, 2012, respectively, and Samsung’s reply in support of the Protective Order Motion is currently due on March 15, 2012;

WHEREAS, the parties agree that Apple’s opposition and reply briefs should be combined into a single brief to reduce the total number of briefs filed with the Court on apex-related issues; and

WHEREAS, the proposed adjusted schedule would not postpone any of the other deadlines set in this case;

NOW THEREFORE, IT IS HEREBY STIPULATED and agreed to by and between the parties that:

1. Apple’s opposition to Samsung’s Protective Order Motion, and Apple’s reply in support of its Apex Motion, shall be filed as a single brief, not to exceed 25 pages, no later than March 12, 2012.

2. Samsung’s reply in support of its Protective Order Motion shall be filed on March 19, 2012.

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IT IS SO STIPULATED.

Dated: March 8, 2012

MORRISON & FOERSTER LLP

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Dated: March 8, 2012

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ORDER

Based on the foregoing stipulation,

IT IS SO ORDERED. In their briefing, the court would appreciate the parties' insight as to the merit, let alone virtue, of the common practice exemplified here of filing a motion for protective order in addition to an opposition to a motion to compel depositions. Put another way, in disputing the relief sought by Apple, why does not Samsung merely oppose Apple's motion? The court wishes to be clear that it is not – yet – criticizing Samsung's decision, but simply wishes to understand the litigation perspectives of the learned counsel representing both parties in this case.

Dated: 3/9/2012



HONORABLE PAUL S. GREWAL
United States Magistrate Judge