

1 Counsel Information Appears on the Following Page

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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)

**OPPOSITION TO SAMSUNG'S  
MOTION TO ENLARGE TIME  
FOR BRIEFING AND HEARING  
ON APPLE'S MOTION FOR  
ADVERSE INFERENCE JURY  
INSTRUCTIONS**

1 Apple's motion for adverse inference jury instructions cannot have come as a surprise to  
2 Samsung, and the hearing on it should not be delayed until the last possible moment:

- 3 • Samsung has known about Apple's concern over its automatic deleting of emails  
4 for months (*see* Kim Decl. ISO of Apple's Motion for Adverse Inference Jury  
5 Instructions, Ex. 33, Dkt. 895-5) and has already filed an opposition to a parallel  
6 motion that Apple filed in the ITC;
- 7 • Samsung's proposal disrupts the schedule for pre-trial filings that Judge Koh has  
8 set out, which requires the parties to file their proposed jury instructions on July  
9 11, 2012, just *one day* after the hearing Samsung requests (Dkt 893); and
- 10 • Samsung's proposal is inconsistent with Judge Koh's direction that the parties  
11 "follow the local rules regarding a briefing schedule" on this motion (Dkt. 901, at  
12 1).

13  
14  
15 Dated: May 7, 2012

MORRISON & FOERSTER LLP

17 By: /s/ Alison M. Tucher  
18 Alison M. Tucher

19 MORRISON & FOERSTER LLP  
20 425 Market Street  
21 San Francisco, California 94105-2482  
22 Telephone: (415) 268-7000  
23 Facsimile: (415) 268-7522

24 Attorneys for Plaintiff  
25 APPLE INC.