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 13 Communications LLC, and Saint Lawrence
 14 Communications GmbH**

14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**
 16 **SAN JOSE DIVISION**

18 APPLE INC.,
 19 Plaintiff,
 20 v.
 21 ACACIA RESEARCH CORPORATION,
 22 SAINT LAWRENCE COMMUNICATIONS
 23 LLC, SAINT LAWRENCE
 24 COMMUNICATIONS GMBH, AND
 25 VOICEAGE CORPORATION,
 26 Defendants.

CASE NO.: 5:16-cv-7266 EJD

**JOINT MOTION TO MODIFY PAGE
 LIMITATIONS, JOINT STIPULATION
 TO EXTEND TIME AND VACATE
 HEARING AND CASE MANAGEMENT
 CONFERENCE DATES, AND
 [PROPOSED] ORDER MODIFYING
 PAGE LIMITATIONS AND CHANGING
 TIME WITH RESPECT TO BRIEFING
 FOR DEFENDANTS' MOTION TO
 DISMISS PLAINTIFF'S SECOND
 AMENDED COMPLAINT**

JURY TRIAL DEMANDED

28 JOINT MOTION, JOINT STIPULATION, AND [PROPOSED] ORDER MODIFYING PAGE LIMITATIONS,
 VACATING HEARING AND CASE MANAGEMENT CONFERENCE DATES, AND CHANGING TIME W/R/T
 BRIEFING FOR DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S SECOND AMENDED
 COMPLAINT

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16 **Attorneys for Plaintiff Apple Inc.**
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1 PLEASE TAKE NOTICE THAT, pursuant to Local Rule 7-11, Acacia Research
2 Corporation, Saint Lawrence Communications LLC, and Saint Lawrence Communications GmbH
3 (“Defendants”) and Apple Inc. (“Plaintiff”) (together, the “Parties”), by and through their counsel
4 of record, jointly move this Court to modify the page limits prescribed by Civil Local Rule 7-2(b)
5 for Defendants’ briefs in support of a motion to dismiss Plaintiff’s Second Amended Complaint, as
6 well as the page limits prescribed by Civil Local Rule 7-4(b) for Plaintiff’s opposition and
7 Defendants’ reply brief thereto.

8 Civil Local Rule 7-2(b) limits motions and accompanying briefs to 25 pages in length.
9 Civil Local Rule 7-4(b) limits opposition briefs to 25 pages in length and reply briefs to 15 pages in
10 length. However, Civil Local Rule 7-11 allows parties to move for administrative relief, including
11 “motions to exceed otherwise applicable page limitations.” CIV. L. R. 7-11(a). Accordingly, under
12 Local Rule 7-11, the Parties respectfully request that Defendants be permitted to collectively file an
13 omnibus brief in support of a motion to dismiss not to exceed 50 pages, Plaintiff be permitted to
14 file a brief in opposition not to exceed 50 pages, and Defendants be permitted to collectively file a
15 reply brief not to exceed 25 pages.¹

16 The Parties’ request constitutes a significant consolidation and reduction of what the Parties
17 would be entitled to file if Defendants were to file separately. On a motion to dismiss, each
18 Defendant is entitled to file its own 25-page brief, which, in the aggregate, would exceed by 50%
19 the 50 total pages Defendants request by this motion. Instead, Defendants intend to file one brief.
20 This approach allows the Parties to present arguments efficiently, without duplication of
21 arguments, and thus serves the interest of judicial economy.

22 The Parties have met and conferred, and have agreed to this modification of page limits. As
23 a result, the Parties respectfully request that the Court grant leave for Defendants to file a brief in
24 support of a motion to dismiss not to exceed 50 pages, Plaintiff be permitted to file a brief in
25

26 ¹ Even if Defendant Voiceage Corporation—who has yet to appear in this action—chooses to file
27 its own motion to dismiss, the efficiencies described in the present motion will nonetheless be
achieved.

1 opposition not to exceed 50 pages, and Defendants be permitted to file a reply brief not to exceed
2 25 pages.

3 In addition to their joint motion to modify page limits, the Parties hereby jointly stipulate
4 pursuant to Local Rules 6-2 and 7-12, in view of FED. R. CIV. P. 6(b), to extend: (1) Defendants'
5 deadline to answer or otherwise respond to Plaintiff's Second Amended Complaint (which shall be
6 in the form of a motion to dismiss); (2) Plaintiff's deadline to oppose Defendants' motion to
7 dismiss; and (3) Defendants' deadline to reply with respect to the same.

8 On October 11, 2016, Plaintiff filed its Second Amended Complaint. Defendants' motion
9 to dismiss Plaintiff's Second Amended Complaint is currently due on October 25, 2017.²
10 Plaintiffs' opposition thereto will be due on November 8, 2017. Defendants' reply will be due on
11 November 22, 2017.

12 The Parties have met and conferred, and have agreed on a modification of deadlines. As a
13 result, the Parties respectfully request a 14-day extension to the deadline for Defendants to file their
14 motion to dismiss; a 14-day extension to the deadline for Plaintiff to address and respond to
15 Defendants' motions to dismiss; and a 7-day extension to the deadline for Defendants to reply to
16 Plaintiff's opposition.

17 For the forgoing reasons, the Parties respectfully request that the Court modify the existing
18 page-limitations and deadlines in accordance with the table below:

19

20	Event	Current Deadline	Current Page Limit	Proposed Deadline	Proposed Page Limit
21	Defendants must file Motion to Dismiss	Oct. 25, 2017	75 pages (25 pages x 3 defs.)	Nov. 8, 2017	50 pages
22	Plaintiff must file Opposition to MTD	Nov. 8, 2017	75 pages (25 pages x 3 defs.)	Dec. 6, 2017	50 pages
23	Defendant must file Reply for MTD	Nov. 22, 2017	45 pages (15 pages x 3 defs.)	Dec. 20, 2017	25 pages
24					
25					

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27 ² Defendants' motion is a Rule 12(b)(6) motion, so it must be filed "within 14 days after service of the amended pleading." FED. R. CIV. P. 15(a)(3); *see also* FED. R. CIV. P. 12(b).

1 Moreover, the Parties jointly stipulate to vacate the November 2, 2017 and January 11,
2 2018 hearing dates on the Court's schedule. On November 2, 2017, a hearing is scheduled on the
3 Motion to Dismiss the First Amended Complaint filed on March 28, 2017 (ECF 73), and the
4 Motion for a Protective Order Temporarily Staying Discovery filed on April 24, 2017 (ECF 91).
5 The motion to dismiss is now moot in light of the second amended complaint filed by Apple on
6 October 11, 2017 (ECF 115), and, as noted above, the Defendants intend to file a new motion to
7 dismiss the second amended complaint. [In addition, because of the changes made in the second
8 amended complaint, Apple has withdrawn its prior discovery and the Acacia defendants have
9 withdrawn their motion for a protective order. Therefore, that motion is no longer pending before
10 this Court, and a hearing is not required.]

11 On January 11, 2018, a hearing is scheduled for Apple's Motion for Leave to File a Second
12 Amended Complaint (ECF 110). The Court granted Apple's unopposed motion on October 11,
13 2017 (ECF 114), eliminating the need for the January 11, 2018 hearing.

14 Given that Apple recently filed its second amended complaint, and Defendant VoiceAge
15 has yet to make in appearance in the case, the Parties further jointly propose to vacate and
16 reschedule the Case Management Conference currently scheduled for November 9, 2017. The
17 Parties request that the Court reschedule the Case Management Conference for a later date.

18 For the foregoing reasons, the Parties respectfully request that the Court vacate the
19 November 2, 2017 and January 11, 2018 hearing dates. The parties further propose that the Court
20 vacate the November 9, 2017 Case Management Conference, and reschedule it for a later date.

21 DATED: October 20, 2017

22
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2 **Attorneys for Defendants Acacia Research** **Attorneys for Plaintiff Apple Inc.**
3 **Corporation, Saint Lawrence**
4 **Communications LLC, and Saint**
5 **Lawrence Communications GmbH**

6 **ATTORNEY ATTESTATION**

7 Pursuant to Civil Local Rule 5-1(i)(3), I, Edward R. Nelson III, hereby attest that
8 concurrence in the filing of this document has been obtained from any signatories indicated by a
9 “conformed” signature (/s/) within this e-filed document. I declare under penalty of perjury under
10 the laws of the United States of America that the foregoing is true and correct.

11 By: /s/ Edward R. Nelson III
12 Edward R. Nelson III

13 **CERTIFICATE OF SERVICE**

14 I hereby certify that on October 20, 2017, I electronically transmitted the foregoing
15 document to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of
16 Electronic Filing to the e-mail addresses registered in the CM/ECF system, as denoted on the
17 Electronic Mail Notice List.

18 By: /s/ Edward R. Nelson III
19 Edward R. Nelson III

1 **[PROPOSED] ORDER**


2 Pursuant to the foregoing Joint Motion and Joint Stipulation, it is **SO ORDERED** that the
3 page-limitations and deadlines with respect to Defendants' Motion to Dismiss Plaintiff's Second
4 Amended Complaint are modified as follows:

5

6 Event	Current Deadline	Current Page Limit	Proposed Deadline	Proposed Page Limit
7 Defendants must 8 file Motion to Dismiss	Oct. 25, 2017	75 pages (25 pages x 3 defs.)	Nov. 8, 2017	50 pages
9 Plaintiff must file Opposition to MTD	Nov. 8, 2017	75 pages (25 pages x 3 defs.)	Dec. 6, 2017	50 pages
10 Defendant must file Reply for MTD	Nov. 22, 2017	45 pages (15 pages x 3 defs.)	Dec. 20, 2017	25 pages

11 It is **FURTHER ORDERED** that the Court's November 2, 2017, and January 11, 2018
12 hearing dates, and the November 9, 2017, case management conference, are **VACATED**.

13 October 23, 2017

14 
15 EDWARD J. DAVILA
16 United States District Judge