

**MEMO ENDORSED**

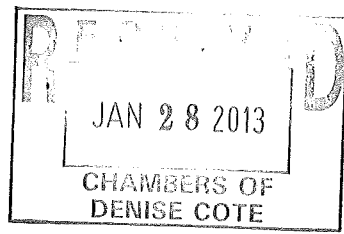
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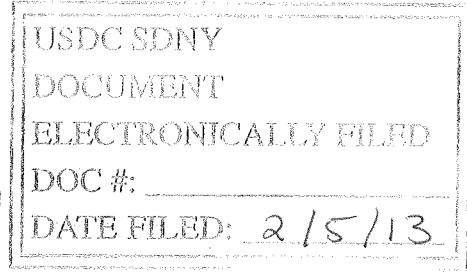
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January 28, 2013



**By Hand Delivery**  
Honorable Denise Cote  
U.S. District Court, Southern District of New York  
500 Pearl Street, Room 1610  
New York, NY 10007

Re: *J.T. Colby & Co., Inc., et al. v. Apple Inc.*, No. 11 CIV 4060 (DLC)

Dear Judge Cote:

We are counsel for Defendant Apple Inc. ("Apple") in the above-titled case. I am writing to request a one-day extension, until midnight on Wednesday, February 6, 2013, for Apple to file and serve its reply brief in support of its motion for summary judgment. That brief is currently due on February 5, 2013. The reason for this request is that Plaintiffs did not serve their brief in opposition to Apple's summary judgment motion until Saturday, January 26, 2013 at 2:28 PM, even though that brief was due on Friday, January 25, 2013. For clarity, no extension is requested with respect to the other briefs that are due on February 5, 2013 (*i.e.*, the parties' *Daubert* motion reply briefs and Plaintiffs' partial summary judgment reply brief), because the parties timely served all other papers. Plaintiffs consent to this request.

The parties made one previous joint request to extend all of the deadlines in this case, including the summary judgment motion deadlines, which the Court denied.

Sincerely,  
  
Dale M. Cendali

Denise Cote  
2/5/13

cc: All Counsel of Record (via e-mail)