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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
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10 *In re* Ex Parte Application of

11 APPLE INC.; APPLE RETAIL  
GERMANY GMBH; and APPLE SALES  
12 INTERNATIONAL,

13 Applicants,

14 For an Order Pursuant to 28 U.S.C.  
§ 1782 Granting Leave to Obtain  
15 Discovery from HTC Corporation and  
HTC America, Inc. for Use in Foreign  
16 Proceedings.

No.

APPLE'S MOTION FOR OVER-  
LENGTH BRIEF

**Note on Motion Calendar:**  
January 24, 2012

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18 Apple Inc., Apple Retail Germany GmbH, and Apple Sales International  
19 (collectively, "Apple") move this Court for leave to file an over-length motion under to  
20 Local CR 7(f).  
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22 Contemporaneously with the filing of this Motion for Over-Length Brief, Apple will  
23 file an Ex Parte Application for an Order Granting Leave to Obtain Discovery for Use in  
24 Foreign Proceedings (the "Application for Discovery for Foreign Proceedings"). The  
25 Western District of Washington's Local Civil Rules provide that ex parte motions are  
26 limited to six pages. Local CR 7(d)(1), 7(e)(1).

1 Apple believes that more than six pages are necessary to describe adequately the  
2 factual background for its Ex Parte Application for Discovery for Foreign Proceedings.  
3 Further, more than six pages are necessary to describe the three element test for such  
4 discovery under 28 U.S.C. § 1782, to explain the multi-factor inquiry the United States  
5 Supreme Court identified to guide courts' discretion in analyzing discovery applications  
6 under this statute, and to apply the facts to that test and inquiry. *See Intel Corp. v.*  
7 *Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004).

8 For these reasons, Apple requests leave of the Court under Local CR 7(f) to file a  
9 nine page Ex Parte Application for an Order Granting Leave to Obtain Discovery for Use in  
10 Foreign Proceedings.

11 A proposed order is submitted herewith.

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13 DATED: January 24, 2012.

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15 YARMUTH WILSDON CALFO PLLC

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