

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

Charles K. Verhoeven (Bar No. 170151)

2 charlesverhoeven@quinnemanuel.com

50 California Street, 22nd Floor

3 San Francisco, California 94111

Telephone: (415) 875-6600

4 Facsimile: (415) 875-6700

5 Kevin P.B. Johnson (Bar No. 177129)

kevinjohnson@quinnemanuel.com

6 Victoria F. Maroulis (Bar No. 202603)

victoriamaroulis@quinnemanuel.com

7 555 Twin Dolphin Drive, 5th Floor

Redwood Shores, California 94065-2139

8 Telephone: (650) 801-5000

Facsimile: (650) 801-5100

9
10 Michael T. Zeller (Bar No. 196417)

michaelzeller@quinnemanuel.com

11 865 S. Figueroa St., 10th Floor

Los Angeles, California 90017

12 Telephone: (213) 443-3000

Facsimile: (213) 443-3100

13
14 Attorneys for SAMSUNG ELECTRONICS CO.,
LTD., SAMSUNG ELECTRONICS AMERICA,
15 INC. and SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC
16

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

19
20 APPLE INC., a California corporation,

21 Plaintiff,

22 vs.

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

26 Defendant.
27

CASE NO. 11-cv-01846-LHK

**MOTION TO SHORTEN TIME
FOR BRIEFING AND HEARING**

1
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

NOTICE OF MOTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively “Samsung”) shall and hereby do move the Court, pursuant to Civil Local Rules 6-1(b) and 6-3, to shorten time for briefing on its accompanying Motion to Dissolve the June 26, 2012 Preliminary Injunction.

This motion is based on this notice of motion and supporting memorandum, and such other written or oral argument as may be presented at or before the time this motion is taken under submission by the Court.

RELIEF REQUESTED

Samsung seeks to shorten time for briefing on Samsung’s Motion to Dissolve the June 26, 2012 Preliminary Injunction.

DATED: August 26, 2012

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By /s/ Victoria F. Maroulis
Charles K. Verhoeven
Kevin P.B. Johnson
Victoria F. Maroulis
Michael T. Zeller

Attorneys for SAMSUNG ELECTRONICS CO.,
LTD., SAMSUNG ELECTRONICS AMERICA,
INC., and SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC

MEMORANDUM

1
2 On June 26, 2012, the Court issued an Order Granting Preliminary Injunction, enjoining
3 Samsung from making, using, offering to sell, selling in the United States, or importing into the
4 United States the Galaxy Tab 10.1 (“the Order”). In light of the jury verdict and final judgment
5 entered on August 24, 2012, Samsung has filed a Motion to Dissolve the June 26, 2012
6 Preliminary Injunction (“Motion to Dissolve”). In accordance with Local Rules 6-1(b) and 6-3,
7 Samsung moves the Court to shorten time for the briefing and hearing schedule for its
8 concurrently filed Motion to Dissolve. Specifically, Samsung requests that:

- 10 1. Apple’s opposition to Samsung’s Motion to Dissolve be filed on or before Tuesday,
11 August 28, 2012;
- 12 2. Samsung waives its right to file a reply brief; and
- 13 3. The Court decides Samsung’s Motion to Dissolve without oral argument.
14

15 A shortened briefing schedule on Samsung’s Motion to Dissolve is necessary and in the
16 interest of justice because the jury verdict expressly rejects the predicate upon which the
17 preliminary injunction was entered—that Apple was likely to prove that Samsung’s Galaxy Tab
18 10.1 infringes the D’889 patent. The normal briefing and hearing schedule would unnecessarily
19 prolong the wrongful injunction to which Samsung already has been subject for two months. The
20 prompt dissolution of the preliminary injunction is also critical to Samsung’s business
21 relationships with carriers and customers, which has been harmed during the period in which the
22 injunction has been in effect.
23

24 Expedited resolution of Samsung’s Motion to Dissolve is also warranted in light of
25 Samsung’s pending appeal of the June 26, 2012 preliminary injunction. Samsung’s opening brief
26 in the Federal Circuit is due next Tuesday, September 4, 2012. Dissolving the preliminary
27 injunction (or issuing an indicative ruling pursuant to Fed. R. Civ. P. 62.1) prior to that date would
28

1 allow Samsung to withdraw its appeal before having to file a merits brief on an appeal that will
2 soon become moot.

3 Counsel for Samsung contacted Apple’s counsel in an effort to reach a stipulation to the
4 briefing and hearing schedule outlined above. Apple did not agree to Samsung’s proposed
5 schedule. See Declaration of Victoria Maroulis In Support of Motion to Shorten Time for Briefing
6 and Hearing, filed concurrently.
7

8 **CONCLUSION**

9 For the foregoing reasons, Samsung respectfully requests that the Court grant Samsung’s
10 Motion to Shorten Time for Briefing on Samsung’s Motion to Dissolve.
11

12 DATED: August 26, 2012

Respectfully submitted,

13 QUINN EMANUEL URQUHART &
14 SULLIVAN, LLP

15
16 By /s/ Victoria F. Maroulis
17 Charles K. Verhoeven
18 Kevin P.B. Johnson
19 Victoria F. Maroulis
20 Michael T. Zeller
21 Attorneys for SAMSUNG ELECTRONICS CO.,
22 LTD., SAMSUNG ELECTRONICS AMERICA,
23 INC. and SAMSUNG
24 TELECOMMUNICATIONS AMERICA, LLC
25
26
27
28