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 12 Attorneys for Plaintiff and
 Counterclaim-Defendant APPLE INC.

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

17
 18 APPLE INC., a California corporation,
 19 Plaintiff,
 20 v.
 21 SAMSUNG ELECTRONICS CO., LTD., a
 Korean business entity; SAMSUNG
 22 ELECTRONICS AMERICA, INC., a New York
 corporation; SAMSUNG
 23 TELECOMMUNICATIONS AMERICA, LLC, a
 Delaware limited liability company,
 24 Defendants.
 25

Case No. 11-cv-01846-LHK (PSG)

**APPLE'S OPPOSITION TO
 SAMSUNG'S MOTION TO
 SHORTEN TIME ON MOTION
 TO DISSOLVE PRELIMINARY
 INJUNCTION**

1 Last Friday, August 24, the jury found that Samsung's Galaxy Tab and Galaxy Tab 10.1
2 (Wi-Fi) infringe Apple's '381, '915, and '163 patents; that Samsung failed to prove that those
3 patents were invalid; and that Samsung's infringement is willful. (Dkt. No. 1931 at 2-4, 9.)
4 Despite this verdict, Samsung contends that the preliminary injunction against its infringing
5 Galaxy Tab 10.1 sales should be dissolved almost immediately, with Apple's normal 14-day
6 response period shortened to *one business day*, and no oral argument.

7 Samsung's motion for shortened time should be denied because (1) Samsung has failed to
8 show any need for immediate action; and (2) Samsung's motion to dissolve the injunction should
9 be decided on the same schedule as Apple's motion for a preliminary injunction.

10 As to urgency, Samsung has previously represented to this Court that Samsung is no
11 longer selling the Wi-Fi only version of the Galaxy Tab 10.1. (Dkt. No. 977-3 at 1.) In addition,
12 Samsung has represented to the public that the preliminary injunction against Galaxy Tab 10.1
13 sales "will not deal a big blow to sales of tablet PC's, since the successor model to the Galaxy
14 Tab 10.1 is already on the market." (Dkt. No. 1161-6; *see also* Dkt. No. 1161-7 (Samsung does
15 not expect injunction will have a "significant impact on our business operations").) In view of
16 these representations, Samsung cannot plausibly argue that there is an urgent need to dissolve the
17 injunction. Indeed, this Court relied on these representations—and even stronger representations
18 that Samsung submitted under seal—in concluding that "Samsung cannot establish irreparable
19 harm absent a stay" of the Galaxy Tab 10.1 preliminary injunction. (Dkt. No. 1171 at 11 (under
20 seal, public version at Dkt. No. 1170), citing Dkt. No. 977-3 at 11 (under seal).)

21 Samsung's motion also ignores the fact that when Samsung contacted Apple yesterday
22 about its proposed motion to shorten time, Apple offered to brief Samsung's motion to dissolve
23 the Galaxy Tab 10.1 injunction on the same schedule as Apple's forthcoming motion for a
24 preliminary injunction based on the jury verdict that Samsung is willfully infringing multiple
25 Apple patents and trade dress rights. Samsung declined, and is thus demanding that Apple
26 respond to Samsung's motion in a single day, while insisting that Samsung should have the full
27 14-day period to oppose Apple's preliminary injunction motion. Samsung has no valid basis for
28 its asymmetrical demand. Whether to dissolve the injunction raises important issues that should

1 be resolved after full briefing that provides Apple with an adequate opportunity to consider its
2 options. The portion of the jury verdict that found that the Galaxy Tab 10.1 (Wi-Fi) does not
3 infringe the D'889 patent is contrary to this Court's prior finding of likely infringement, which
4 the Federal Circuit affirmed. Moreover, while the cellular version of the Galaxy Tab 10.1 was
5 not included in the verdict form, it is not colorably different from the products that the jury found
6 to be infringing as to some Apple utility patents, and thus should be covered by an injunction
7 against sales of products that infringe those patents.

8 Samsung contends that the Galaxy Tab 10.1 injunction should be dissolved immediately
9 because Samsung's opening brief in its appeal of the injunction is due on September 4, 2012.
10 Samsung fails to explain the basis for this Court to exercise jurisdiction over an order that is
11 currently on appeal to the Federal Circuit. Nor does Samsung explain why it cannot simply file
12 its opening brief or ask the Federal Circuit for an extension of time until after this Court rules on
13 Samsung's motion.

14 In sum, Samsung has presented no justification for resolving its motion to dissolve the
15 Galaxy Tab 10.1 preliminary injunction on an expedited schedule, let alone its extraordinary
16 proposal that Apple have only one day to respond to the motion. Apple respectfully requests that
17 the Court deny Samsung's motion to shorten time and put Samsung's motion to dissolve the
18 Galaxy Tab 10.1 injunction on the same schedule as Apple's motion for a preliminary injunction.

19 Dated: August 27, 2012

MORRISON & FOERSTER LLP

21 By: /s/ Michael A. Jacobs
22 Michael A. Jacobs

23 Attorneys for Plaintiff
24 APPLE INC.