

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP
Charles K. Verhoeven (Cal. 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 (Cal. Bar No. 177129)
kevinjohnson@quinnemanuel.com
6 Victoria F. Maroulis (Cal. Bar No. 202603)
victoriamaroulis@quinnemanuel.com
7 555 Twin Dolphin Drive 5th Floor
Redwood Shores, California 94065
8 Telephone: (650) 801-5000
Facsimile: (650) 801-5100

9 Michael T. Zeller (Cal. Bar No. 196417)
10 michaelzeller@quinnemanuel.com
865 S. Figueroa St., 10th Floor
11 Los Angeles, California 90017
Telephone: (213) 443-3000
12 Facsimile: (213) 443-3100

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

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

18 APPLE INC., a California corporation,

19 Plaintiff,

20 vs.

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.
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CASE NO. 11-cv-01846-LHK (PSG)

**MOTION TO SHORTEN TIME
FOR BRIEFING REGARDING
SAMSUNG'S MOTION TO STRIKE**

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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 and hearing on Samsung’s Motion to Strike Portions of Declarations of Christopher Crouse, Terry Musika, Marylee Robinson, Phillip W. Schiller, and Russell S. Winer in Support of Apple’s Motion for a Permanent Injunction. This motion is based on this notice of motion and supporting memorandum; the supporting Declaration of Kara Borden, 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 an Order shortening time for briefing on its Motion To Strike Portions of Declarations of Christopher Crouse, Terry Musika, Marylee Robinson, Phillip W. Schiller, and Russell S. Winer in Support of Apple’s Motion for a Permanent Injunction.

October 5, 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

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2 Samsung seeks an Order shortening time for hearing on its Motion to Strike Portions of
3 Declarations of Christopher Crouse, Terry Musika, Marylee Robinson, Phillip W. Schiller, and
4 Russell S. Winer in Support of Apple's Motion for a Permanent Injunction ("Motion to Strike").
5 That motion seeks to enforce this Court's August 28, 2012 Order limiting Apple to 30 pages for its
6 Motion for a Permanent Injunction and for Damages Enhancements ("Injunction and
7 Enhancement Motion." In violation of that Order, Apple submitted more than 40 pages of
8 declarations containing additional argument and evidence, much of which was either not
9 referenced in the brief at all, or only discussed in a single sentence of the brief.

10 An order shortening time is necessary to avoid substantial prejudice to Samsung.
11 Samsung's opposition to Apple's Injunction and Enforcement Motion is due on October 19, 2012.
12 Unless the Court shortens time to hear Samsung's Motion to Strike, any relief on that motion
13 would come beyond the October 19 filing date, and Samsung would be forced to respond in its 35-
14 opposition not only to Apple's 30-page motion, but also to the dozens of pages of supporting
15 argument and evidence submitted in the accompanying declarations in violation of this Court's
16 Order. Moreover, Samsung is entitled to know what evidence will be considered by the Court
17 before it submits its opposition brief. Given the extent of the relief Apple is seeking in its motion
18 – an injunction against 26 products and \$535 million in enhancements - it is especially important
19 that the Court enforce the page limitations.

20 A shortened briefing schedule will not prejudice Apple, as it has already filed the
21 declarations in question and can easily explain to the Court its position on whether they violate
22 this Court's August 28 Order. Accordingly, Samsung proposes the following briefing schedule:

- 23 1. Apple's Opposition to Samsung's Motion to Strike should be filed on or before
24 October 9, 2012;
- 25 2. Samsung waives its right to file a reply brief; and
- 26 3. The Court decides Samsung's Motion to Strike without oral argument.

27 Counsel for Samsung contacted counsel for Apple in an effort to reach agreement with
28 respect to the briefing and hearing schedule outlined above. See Declaration of _____ in

1 Support of Samsung’s Motion to Shorten Time ¶ 2, Ex. 1. Apple did not agree to Samsung’s
2 proposed schedule, and indicated that it would oppose Samsung’s Motion to Shorten Time.

3 **CONCLUSION**

4 For the foregoing reasons, Samsung respectfully requests that the Court grant Samsung’s
5 Motion to Shorten Time for Briefing Regarding Samsung’s Motion to Strike Portions of
6 Declarations of Christopher Crouse, Terry Musika, Marylee Robinson, Phillip W. Schiller, and
7 Russell S. Winer in Support of Apple’s Motion for a Permanent Injunction.

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9 DATED: October 5, 2012

Respectfully submitted,

10 QUINN EMANUEL URQUHART &
11 SULLIVAN, LLP

12
13 By /s/ Victoria F. Maroulis
14 Charles K. Verhoeven
15 Kevin P.B. Johnson
16 Victoria F. Maroulis
17 Michael T. Zeller
18 Attorneys for SAMSUNG ELECTRONICS CO.,
19 LTD., SAMSUNG ELECTRONICS AMERICA,
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