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TELECOMMUNICATIONS AMERICA, LLC
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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN JOSE DIVISION

19 APPLE INC., a California corporation,
20 Plaintiff,
21 vs.
22 SAMSUNG ELECTRONICS CO., LTD., a
Korean business entity; SAMSUNG
23 ELECTRONICS AMERICA, INC., a New
York corporation; SAMSUNG
24 TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,
25 Defendants.
26

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

**SAMSUNG’S MOTION TO SHORTEN
TIME FOR BRIEFING REGARDING
SAMSUNG’S MOTION FOR ORDER
PERMITTING CROSS-USE OF
DISCOVERY MATERIAL FROM CASE
NO. 12-630**

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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 on Samsung’s Motion for Order Permitting Cross-Use of Discovery Material from Case No. 12-630, on the grounds that expedited consideration is necessary to ensure that Samsung knows the scope of the evidence it may use to oppose Apple Inc.’s Motion for Permanent Injunction.

This motion is based on this notice of motion and supporting memorandum, the supporting Declaration of Joby Martin, 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 for Order Permitting Cross-Use of Discovery Material from Case No. 12-630.

October 19, 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

1 MEMORANDUM

2 Samsung seeks an Order shortening time for briefing on its Motion for Order Permitting
3 Cross-Use of Discovery Material from Case No. 12-630 (the "Motion"). Samsung argues in the
4 Motion that certain specified discovery materials obtained in Case No. 12-630 pending before this
5 Court are highly relevant to Apple's Motion for Permanent Injunction, and that Apple has no good
6 faith basis for refusing to consent to Samsung's use of such materials on the grounds that the
7 Protective Order does not permit such cross-use of discovery.

8 An order shortening time for briefing on the Motion is necessary to avoid substantial
9 prejudice to Samsung. Samsung's opposition to Apple's Motion for Permanent Injunction is due
10 today, October 19, 2012, and Apple's reply brief is due on November 9. Unless the Court
11 shortens time to hear Samsung's Motion, any relief on that Motion would come after the
12 injunction briefing period has ended. Samsung has a compelling need to know the scope of the
13 evidence the Court will consider in support of its opposition to Apple's Motion for Permanent
14 Injunction before Apple submits its reply brief, and well-before the injunction motion is heard, so
15 that Samsung may duly prepare for the hearing.

16 A shortened briefing schedule will not prejudice Apple, as the discovery material at issue
17 in the Motion consists of previously-produced Apple documents and transcripts of depositions of
18 Apple employees with which Apple is well-familiar, and the parties have previously briefed issues
19 relating to permissible uses of discovery materials from related cases, such that the issues are
20 familiar as well. *See, e.g.*, Dkts. 487, 782-2.

21 Accordingly, Samsung proposes the following briefing schedule:

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

26 Counsel for Samsung contacted counsel for Apple in an effort to reach agreement with
27 respect to the briefing and hearing schedule outlined above. Apple did not agree to Samsung's
28 proposed briefing schedule, but proposed instead that its opposition to Samsung's motion should

1 be due on or before October 25, 2012. See Declaration of Joby Martin in Support of Samsung’s
2 Motion to Shorten Time, ¶ 2, Ex. 1. Samsung submits that its proposed briefing schedule is
3 appropriate in the circumstances, but it respectfully defers to the Court’s determination.

4 **CONCLUSION**

5 For the foregoing reasons, Samsung respectfully requests that the Court grant Samsung’s
6 Motion to Shorten Time.

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8 DATED: October 19, 2012

Respectfully submitted,

9 QUINN EMANUEL URQUHART &
10 SULLIVAN, LLP

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