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Cellco Partnership d/b/a Verizon Wireless

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

APPLE INC., a California corporation,

Plaintiff,

vs.

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

Defendants.

CASE NO. 11-cv-01846-LHK

**NOTICE OF MOTION AND MOTION  
FOR LEAVE TO FILE BRIEF OF  
AMICUS CURIAE CELLCO  
PARTNERSHIP REGARDING APPLE'S  
MOTION FOR A PRELIMINARY  
INJUNCTION**

Date: October 13, 2011  
Time: 1:30 pm  
Courtroom 8, 4th Floor  
Judge: Hon. Lucy H. Koh

**NOTICE OF MOTION AND MOTION**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT Cellco Partnership d/b/a Verizon Wireless hereby moves the Court for leave to file an amicus curiae brief addressing Apple's preliminary injunction motion (Docket No. 86).

**MEMORANDUM OF POINTS AND AUTHORITIES**

*Amicus curiae* Cellco Partnership d/b/a Verizon Wireless is a wireless carrier.<sup>1</sup> Verizon Wireless has invested billions of dollars in developing, deploying, and operating a broadband nationwide wireless network. That includes massive investments in a next-generation network that promises new capabilities, including new applications and uses impossible with current network technologies. Additionally, Verizon Wireless is an innovator in the field of wireless communication and has devoted considerable resources to developing and patenting new technology.

Verizon Wireless respectfully requests leave to file an amicus brief to apprise the Court of public interest considerations implicated by Apple's preliminary injunction motion regarding its utility patent. *See* Apple Inc.'s Motion for a Preliminary Injunction, ECF No. 86 (July 1, 2011). "District courts frequently welcome amicus briefs from non-parties concerning legal issues that have potential ramifications beyond the parties directly involved or if the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide." *Sonoma Falls Devs., LLC v. Nevada Gold & Casinos, Inc.*, 272 F. Supp. 2d 919, 925 (N.D. Cal. 2003). In this case, the potential effects of a preliminary injunction would go far beyond Apple and Samsung. Due to its leadership and extensive experience in the wireless communication industry, Verizon Wireless believes that it is uniquely positioned to describe how

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<sup>1</sup> Amicus curiae and its undersigned counsel represent that they have authored this brief. No party or counsel for any party made any monetary contribution intended to fund the preparation or submission of this brief.

1 the requested injunction may harm U.S. consumers, wireless carriers, and businesses. The parties'  
2 briefing may not be able to fully explain these third-party concerns to the Court.

3 Counsel for *amicus curiae* attempted to contact the parties prior to filing this motion.  
4 Counsel for Samsung indicated that it does not oppose this motion. Counsel for Apple did not  
5 respond to Verizon Wireless's inquiry about Apple's position.

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8 September 23, 2011

/s Melinda M. Morton

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