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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

11
12 SOFTWARE FREEDOM CONSERVANCY,
13 INC., a New York Non-Profit Corporation,

14 Plaintiff,

15 vs.

16 VIZIO, INC., a California Corporation; and
DOES 1 through 50, Inclusive,

17 Defendant.

Case No. 30-2021-01226723-CU-BC-CJC

**VIZIO, INC.'S QUALIFIED NON-
OPPOSITION TO PLAINTIFF
SOFTWARE FREEDOM
CONSERVANCY'S EX PARTE
APPLICATION TO SPECIALLY SET
HEARING ON PLAINTIFF'S MOTION
FOR SUMMARY ADJUDICATION**

Assigned for All Purposes to Judicial Officer:
The Honorable Sandy Leal

18 Dept.: C33

19 Action Filed: October 19, 2021

20 Hearing Date: June 11, 2025 at 9:30 a.m.

21 Trial Date: September 15, 2025

1 **ARGUMENT**

2 Since the Court does not hear argument on Ex Parte Applications, VIZIO, Inc. (“VIZIO”)
3 submits this Qualified Non-Opposition to clarify its position with respect to Plaintiff Software
4 Freedom Conservancy’s (“SFC”) Ex Parte Application (“Ex Parte”). As SFC’s Ex Parte notes,
5 VIZIO does not oppose specially setting the hearing on SFC’s Motion for Summary Adjudication
6 (“SFC’s MSA”) on or about Thursday, August 14, 2025, which is thirty days before the scheduled
7 trial date.

8 VIZIO, however, opposes having its own Motion for Summary Adjudication (“VIZIO’s
9 MSA”) which is currently scheduled for July 24, 2025, heard on the same date as SFC’s MSA,
10 either by advancing SFC’s MSA to July 24, 2025 or continuing VIZIO’s MSA to a later
11 date. Advancing SFC’s MSA to July 24, 2025 would deprive VIZIO of the statutorily required
12 time to oppose SFC’s MSA. Continuing VIZIO’s MSA to a later date so that both MSAs could be
13 heard together would prejudice VIZIO. VIZIO’s MSA was filed on May 2, 2025, three weeks
14 before SFC’s MSA and the scheduled hearing date provides SFC with the statutorily required time
15 to oppose the Motion. VIZIO filed its MSA three weeks before the statutory deadline to file an
16 MSA in order to have the issues raised therein addressed well before trial because the Court’s
17 ruling on VIZIO’s MSA will have a significant impact on the issues to be tried, the witnesses who
18 will need to testify, and trial strategy. Further, the issues raised by VIZIO’s MSA do not overlap
19 with or relate to the issues raised by SFC’s MSA so there would be no judicial or party economy
20 by hearing both MSAs on the same date. Finally, continuing VIZIO’s MSA to a later date would
21 provide SFC with an unfair advantage by giving it more time to oppose VIZIO’s MSA.

22
23 DATED: June 10, 2025

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

24
25
26 By 

Michael E. Williams
Attorneys for Defendant VIZIO, Inc.