

# **EXHIBIT 1**

**From:** Hung, Richard S. J. [RHung@mofo.com]  
**Sent:** Friday, October 05, 2012 12:57 PM  
**To:** Robert Becher; AppleMoFo  
**Cc:** Samsung v. Apple  
**Subject:** RE: Motion to Strike

Rob –

Samsung's motion to strike lacks merit, and Samsung inexplicably waited two weeks to raise this issue. The burden of any exigency caused by Samsung's delay should fall on Samsung, not on Apple. We therefore disagree with Samsung's request to expedite its motion to strike now. Moreover, even if the motion were expedited, your proposal to give Apple one business day to respond to a motion you have had two weeks to plan is unreasonable and unfair. Given the topic of our motion, and your delay in bringing it, Apple should be given at least a week to respond.

Separately, we do not object to Tulin Ardem or Jerry Wind.

Rich

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**From:** Robert Becher [<mailto:robertbecher@quinnemanuel.com>]  
**Sent:** Thursday, October 04, 2012 9:16 PM  
**To:** AppleMoFo  
**Cc:** Samsung v. Apple  
**Subject:** Motion to Strike

Rich,

The Court's August 28 Order Re: Post-Trial Proceedings, the Court ordered: "The page limits set forth herein will be strictly enforced. Any argument that is not explicitly articulated within the briefing page limits will be disregarded. Any supporting documentation shall be for corroboration purposes solely and shall not be used as a vehicle for circumventing the Court's page limits. Any citations to the record must include the relevant testimony or exhibit language. Any single-spaced bullets in an attempt to circumvent the briefing page limits will be disregarded." Dkt. No. 1945 at 3. Many of the Declarations in support in Support of Apple's Motion For a Permanent Injunction and for Damages Enhancements violate this Order. Accordingly, Samsung intends to file a Motion to Strike the following paragraphs:

Declaration of Marylee Robinson ¶¶ 9-22, 31 (from 11:19-12:4), 34-36, 38-40, 42  
Declaration of Terry Musika ¶¶ 7, 10-28, 31-60  
Declaration of Russell S. Winer ¶¶ 7-14  
Declaration of Christopher Crouse ¶¶ 2, 4 (from 1:13 "In order to meet" to 1:14)  
Declaration of Philip Schiller ¶¶ 3-10, 13, 15 (from 5:21 "I also believe" to 5:26)

Samsung needs to know what evidence will be considered prior to filing its opposition to Apple's motion. We will therefore propose the following briefing schedule to the Court so the motion can be heard on shortened time:

Samsung's opening brief: October 5  
Apple's opposition brief: October 8

No hearing/submission on the papers

Please confirm whether Apple agrees to this schedule.

Regards,

Rob

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