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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION
15

16 APPLE INC., a California corporation,
17
18 Plaintiff,
19
20 v.
21 SAMSUNG ELECTRONICS CO., LTD., a
Korean corporation; SAMSUNG
22 ELECTRONICS AMERICA, INC., a New
York corporation; and SAMSUNG
TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,
23
24 Defendants.

Case No. 11-cv-01846-LHK

**APPLE'S ADMINISTRATIVE
MOTION TO ENLARGE PAGE
LIMIT FOR REPLY IN SUPPORT
OF MOTION FOR PERMANENT
INJUNCTION AND FOR
ENHANCED DAMAGES**

RELIEF SOUGHT

1 Pursuant to Civil Local Rule 7-11, Apple requests an enlargement of the page limit for
2 Apple's Reply In Support of Motion for Permanent Injunction and Damages Enhancement, which
3 is due on November 9, 2012. Samsung has presented a massive amount of arguments and
4 evidence in its 35-page Opposition, which is supported by twelve expert and fact declarations and
5 more than 5,000 pages of exhibits, and relies heavily on a recent Federal Circuit opinion that did
6 not issue until after Apple filed its opening brief. Enlarging Apple's Reply from 15 to 25 pages is
7 necessary to provide Apple with an adequate opportunity to respond. Samsung has declined to
8 stipulate to this extension, as confirmed in the accompanying Declaration of Richard S.J. Hung.

ARGUMENT

10 Based on the jury verdict that Samsung has willfully infringed six Apple patents and
11 diluted multiple trade dress rights, Apple has moved for a permanent injunction against multiple
12 Samsung products and for enhanced damages of more than \$535 million. This Court recognized
13 the complexity of this motion by increasing the page limit for Samsung's Opposition to 35 pages,
14 or 10 pages more than the normal 25-page limit in Civil Local Rule 7-4(a). (Dkt. No. 1945 at 2.)

15 Samsung has not only filed a 35-page brief, it has submitted an extraordinary amount of
16 additional evidence, including declarations of seven experts (Michael Wagner, Yoram (Jerry)
17 Wind, Tülin Erdem, R. Sukumar, Sam Lucente, Andries van Dam, and Stephen Gray), four fact
18 witnesses (Corey Kerstetter, Hee-Chan Choi, David Kim, and Tim Rowden), and one attorney
19 (John Pierce). (Dkt. Nos. 2054 to 2069, 2075.) Samsung has also submitted about 300 exhibits
20 and attachments, resulting in a total of over 5,400 pages of declarations and exhibits. Two of
21 Samsung's experts (Wind and Erdem) and three of its fact witnesses (Choi, Kim, and Rowden)
22 are new and have never been deposed. Other experts are offering new opinions that go far
23 beyond their prior opinions.

24 The massive amount of evidence in Samsung's Opposition (12 declarations, 300 exhibits,
25 and over 5,400 pages) far exceeds the amount in Apple's initial motion (6 declarations, 125
26 exhibits, and about 1,000 pages). Moreover, Samsung's Opposition includes numerous
27 arguments and substantial evidence that it did not previously present before or during trial. For
28

1 example, Samsung argues that an injunction should be denied because it has allegedly
2 discontinued or will discontinue the sale of certain infringing products, and has already
3 “designed-around” or is about to design-around Apple’s patents. (Dkt. No. 2054 at 13-14.) To
4 support these new arguments, Samsung cites new legal authorities and the declarations of four
5 fact witnesses (Choi, Kerstetter, Kim, and Rowden) and three experts (Gray, Lucente, Van Dam).
6 (*Id.*) And Samsung has submitted the Patent Office’s recent non-final office action in the ’381
7 patent reexamination, arguing that it is relevant to the permanent injunction. (Dkt. No. 2079).
8 Apple could not have addressed these new arguments and materials in its opening brief.

9 Samsung’s Opposition also refers repeatedly to the legal analysis and factual findings in
10 the Federal Circuit’s October 12, 2012, opinion in the “630 case,” arguing that the overwhelming
11 showing that Apple made in its opening papers does not meet the standard for injunctive relief
12 articulated in that case. Samsung is wrong, but Apple was not able to address the Federal Circuit
13 opinion in its opening brief because it was not issued until after Apple filed its motion. Thus,
14 Apple will need to explain in its Reply the implications of the Federal Circuit decision and how it
15 relates to the evidence in this case.

16 Apple will demonstrate in its Reply that Samsung’s arguments lack merit and that
17 Samsung’s evidence does not support its position. In view of the large number of arguments in
18 Samsung’s 35-page Opposition, the enormous amount of evidence that Samsung has submitted,
19 and Apple’s lack of an opportunity to address in its opening brief many of the issues that
20 Samsung now raises, Apple respectfully requests that the Court increase the page limit for
21 Apple’s Reply from 15 to 25 pages. This increase is necessary to ensure that Apple has an
22 adequate opportunity to respond to Samsung’s arguments and evidence, and to provide parity
23 with Samsung’s 35-page Opposition, which is 10 pages longer than the normal limit.

24
25 Dated: October 26, 2012

MORRISON & FOERSTER LLP

26 By: /s/ Michael A. Jacobs
27 Michael A. Jacobs

28 Attorneys for Plaintiff
APPLE INC.