Exhibit A

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

APPLE INC., a California corporation,

Plaintiff,

v.

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

Defendants.

Case No. 11-cv-01846-LHK

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

Samsung 's Opposition to Apple's Administrative Motion to Enlarge Page Limit for Reply in Support of Motion for Permanent Injunction and for Enhanced Damages (Dkt. No. 2098) grossly misrepresents what Apple said at the hearing after the jury verdict was announced on August 24, 2012. Samsung alleges that "[t]he Court and the parties discussed the pages limits applicable to *this briefing* at length," and that Apple "agreed to each party getting a total of 30 pages for injunction briefing (20 for Apple's motion, 30 for Samsung's opposition, and 10 for Apple's reply)." (Dkt. No. 2098 at 1:10, 1:13-14, citing 9/24/2012 Tr. at 4330:17-4331:2 (emphasis added).) Samsung then accuses Apple of "seeking grossly overbroad injunctive relief," despite "assuring this Court" that Apple's "injunction motion would 'definitely show judgment and pick our battles.'" (Dkt. No. 2098 at 2:3-6, citing 9/24/2012 Tr. at 4327:17-4328:4.)

In fact, the August 24 discussion did not concern "this briefing" on Apple's motion for a permanent injunction and enhanced damages. Rather, it was limited to *highly expedited* briefing on Apple's motion for a *preliminary* injunction, under which Apple would file its motion five days later (August 29) and would have only two days for its reply. (9/24/2012 Tr. at 4330:17.) The Court and the parties did not discuss the length or scope of any briefs concerning a *permanent* injunction or enhanced damages.

Apple agreed to narrow its preliminary injunction motion to the most significant Samsung products in view of the expedited schedule and Apple's continuing right to obtain a permanent injunction that covered all of the infringing products. Samsung has no basis to complain that Apple is seeking a permanent injunction against all of the products that the jury found to infringe.

Samsung also has no basis to argue that the page limits for expedited preliminary injunction briefing should apply to Apple's permanent injunction and enhanced damages motion, which is broader in scope and is being briefed on a schedule that is longer (not shorter) than the normal time periods. The Court should evaluate Apple's motion to enlarge the page limit on its own merits, in the context of Samsung's Opposition to Apple's permanent injunction and enhanced damages motion, and not that of preliminary injunction briefing that never took place.

Apple demonstrated in its motion that the reply page limit should be increased from 15 to 25 pages to provide Apple with an adequate opportunity to respond to the numerous arguments

and the massive amount of evidence in Samsung's 35-page Opposition, 12 declarations, and over 5,000 pages of supporting exhibits, and also to provide parity with Samsung's Opposition, which is ten pages longer than the normal limit. Samsung has not rebutted Apple's showing.

Samsung argues that if Apple's page limit is extended, Samsung should be allowed to file a ten-page reply to provide "parity." The general rule, however, is that the moving party is entitled to file the last brief because it bears the burden of proof on the motion. The Local Rules provide "parity" by entitling the opposing party to file an opposition that is of the same length as the opening brief; they do not entitle the opposing to party to file an additional sur-reply. (Civil L.R. 7-3.) Samsung has already had the opportunity to file a 35-page Opposition that is ten pages longer than the normal limit and five pages longer than Apple's 30-page opening brief. Samsung has not shown any persuasive justification for allowing it to file yet another brief, contrary to the general rule that the moving party files the last brief.

Dated: October 28, 2012

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