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15 Attorneys for SAMSUNG ELECTRONICS
CO., LTD., SAMSUNG ELECTRONICS
16 AMERICA, INC. and SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC
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18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

20 APPLE INC., a California corporation,

21 Plaintiff,

22 vs.

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

26 Defendants.
27

CASE NO. 11-cv-01846-LHK

**SAMSUNG'S ADMINISTRATIVE
REQUEST FOR LEAVE TO FILE
DECLARATION OF ROBERT J. BECHER
REGARDING SAMSUNG'S SUBMISSION
OF HTC SETTLEMENT AGREEMENT
IN SUPPORT OF OPPOSITION TO
APPLE'S MOTION FOR PERMANENT
INJUNCTION AND FOR DAMAGES
ENHANCEMENT**

PUBLIC REDACTED VERSION

1 Pursuant to Civil Local Rules 7-3(d) and 7-11, Samsung respectfully requests leave to file
2 the Declaration of Robert J. Becher Regarding Samsung's Submission of HTC Settlement
3 Agreement in Support of Opposition to Apple's Motion for Permanent Injunction and for Damages
4 Enhancements ("Declaration"). The Declaration is attached as Exhibit A to this Administrative
5 Request. Samsung's request should be granted because the Patent License and Settlement
6 Agreement between HTC America, Inc., HTC Corporation and S3 Graphics Co., Ltd. and Apple
7 Inc., dated November 11, 2012 ("Agreement") was not available when Samsung filed its
8 Opposition to Apple's Motion for Permanent Injunction [REDACTED]

9 [REDACTED]
10 [REDACTED] Samsung asked Apple to stipulate that the Agreement could be
11 filed with the Court, but Apple would only so stipulate if Samsung agreed that Apple could file
12 with the Court, no earlier than next Tuesday, a substantive brief regarding the Agreement.
13 (Declaration of Robert J. Becher in Support of Samsung's Administrative Request ("Becher Decl.)
14 ¶ 4, Ex. 2). In Samsung's view, however, the parties' substantive positions on the Agreement
15 should be presented at the upcoming hearing, and thus the parties were unable to agree on a
16 stipulation. (Becher Decl., ¶ 4, Ex. 2).

17 There can be no dispute that Samsung has been diligent in seeking the Agreement and
18 moving for leave to file it. Samsung filed its Opposition to Apple's Motion for Permanent
19 Injunction and Damages Enhancement on October 19, 2012. (Dkt. No. 2054). On November
20 11, 2012, Samsung learned for the first time of the settlement reached between HTC and Apple as
21 a result of public press reports. (Becher Decl. ¶ 2). The next day, November 12, 2012, Samsung
22 asked Apple to produce the Agreement the next day and then followed up on multiple occasions in
23 an effort to resolve the matter without motion practice. (Dkt. 2144-2). On November 16, Apple
24 agreed to produce the Agreement, but only after 10 business days and only in the event that HTC
25 did not object. *Id.* Samsung immediately moved to compel production the same day. (Dkt. No.
26 2144). The Court granted Samsung's Motion to Compel on November 21, Dkt. 2158, and Apple
27 produced the Agreement to Samsung five days later, on November 26, 2012. (Becher Decl. ¶ 3).

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1 Moreover, the Agreement is directly relevant to Apple's permanent injunction motion.

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Because Samsung could not have presented this evidence earlier, and [REDACTED]

8 [REDACTED]

9 [REDACTED], Samsung respectfully requests that the Court grant Samsung's Administrative Request for
10 Leave.

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12 DATED: November 30, 2012

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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By /s/ Victoria F. Maroulis

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