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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  
SUPPLEMENTAL DECLARATION OF  
STEPHEN GRAY IN SUPPORT OF  
SAMSUNG'S OPPOSITION TO APPLE'S  
MOTION FOR PERMANENT  
INJUNCTION AND FOR DAMAGES  
ENHANCEMENT**

1 Pursuant to Civil Local Rules 7-3(d) and 7-11, Samsung respectfully requests leave to file  
2 the Supplemental Declaration of Stephen Gray in Support of Samsung's Opposition to Apple's  
3 Motion for Permanent Injunction and for Damages Enhancement ("Supplemental Gray  
4 Declaration"). The Supplemental Gray Declaration is attached as Exhibit 1 to this Administrative  
5 Request. Samsung's request should be granted because Apple and Apple's expert, Dr. Karan  
6 Singh, have presented a brand new theory of infringement for U.S. Patent No. 7,844,915 ("the  
7 '915 patent") in its reply papers that was not previously disclosed. The Supplemental Gray  
8 Declaration rebuts Apple's new allegations and is relevant to Apple's pending request for a  
9 permanent injunction, including the question of whether Apple will be irreparably harmed absent  
10 the issuance of an injunction.

11 Samsung has been diligent in filing this declaration. Samsung immediately sought the  
12 deposition of Dr. Singh after it received his declaration containing the new '915 infringement  
13 theory on November 9, 2012. Rather than cooperating and allowing Samsung to test Dr. Singh's  
14 new infringement theory, Apple refused to allow Samsung to depose Dr. Singh and forced  
15 Samsung to file a motion to compel the deposition on an expedited basis. On November 21, 2012,  
16 Judge Grewal ordered Apple to produce Dr. Singh for deposition regarding his new infringement  
17 theory. Dkt. No. 2158. Apple subsequently refused to make Dr. Singh available for an in-person  
18 deposition in the United States and would only make him available for deposition in Asia. "[D]ue  
19 to international travel-related logistical issues," Dr. Singh's deposition did not take place until  
20 December 3, 2012 in Hong Kong. Dkt. No. 2173 (Stipulation and Order Regarding Deposition  
21 Schedule). During that deposition, Dr. Singh made several admissions that confirm Samsung's  
22 new code does not infringe the '915 patent. In his supplemental declaration, Mr. Gray relies on  
23 Dr. Singh's admissions to confirm his opinion that the new code does not infringe the '915 patent.  
24 Under these circumstances, Samsung's request to file the Supplemental Gray Declaration is  
25 timely.

26 Accordingly, Samsung respectfully requests that the Court grant Samsung's Administrative  
27 Request for Leave.

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1 DATED: December 4, 2012

QUINN EMANUEL URQUHART &  
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