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15 Attorneys for SAMSUNG ELECTRONICS
CO., LTD., SAMSUNG ELECTRONICS
16 AMERICA, INC. and SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

19
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
26 company,

27 Defendant.

CASE NO. 11-cv-01846-LHK (PSG)

**DECLARATION OF ROBERT J.
BECHER IN SUPPORT OF SAMSUNG'S
ADMINISTRATIVE MOTION TO
EXCEED PAGE LIMIT IN SAMSUNG'S
OPPOSITION TO APPLE'S
ADMINISTRATION MOTION SEEKING
AN APRIL 3 CASE MANAGEMENT
CONFERENCE**

1 I, Robert J. Becher, declare as follows:

2 1. I am a partner in the law firm of Quinn Emanuel Urquhart & Sullivan, LLP and
3 counsel of record for Defendants Samsung Electronics Co., Ltd., Samsung Electronics America,
4 Inc., and Samsung Telecommunications America, LLC (collectively, “Samsung”) in the above-
5 captioned matter. I am a member in good standing of the state bar of California and admitted to
6 practice in this Court. I make this declaration based on personal knowledge and, if called upon to
7 do so, could testify competently thereto.

8 2. Starting on March 7, 2013, counsel for Samsung and Apple began to discuss this
9 Court’s encouragement in its *Order re: Damages* (Dkt. 2271) that the parties to seek appellate
10 review before any new trial. *Id.* at 26. During the course of these discussions, Samsung proposed
11 that the parties jointly seek partial final judgment under Federal Rule of Civil Procedure 54(b) and a
12 stay of the remaining issues pending appeal. Apple proposed that there be no immediate appeals
13 and that the ordered new trial take place promptly. These discussions took place, both orally and by
14 email, over the course of several days between March 7 and 16, 2013.

15 3. On March 15, 2013, Apple proposed that the parties file a joint statement in which
16 Apple would express its view that there should be an immediate new trial subject to certain
17 limitations, while Samsung would express its view that the Court should enter partial final
18 judgment. On March 16, 2013, Samsung suggested the parties instead proceed by way of separate
19 motions to be filed on March 18, 2013, and to proceed on a stipulate briefing schedule. Attached
20 hereto as Exhibit A is a true and correct copy of Apple’s email to Samsung dated March 15, 2013,
21 attaching Apple’s draft of the proposed joint statement. Attached hereto as Exhibit B is a true and
22 correct copy of Samsung’s responsive email dated March 16, 2013.

23 4. In its March 16 email, Samsung proposed a briefing and hearing schedule for the
24 parties’ two motions. Apple responded first that it requested an extra day (for a total of 8) to oppose
25 Samsung’s motion, and second that its filing would be styled as a Motion for Administrative Relief
26 as to which no briefing schedule stipulation was required. Samsung replied that it was improper for
27 Apple to employ that procedure in this context. Attached hereto as Exhibit C is a true and correct

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02198.51855/5224080.3

1 copy of this email chain exchanged between the parties on March 16-18, 2013.

2 5. After Apple filed its “Administrative Motion Seeking an April 3 Case Management
3 Conference,” Dkt. 2280, 2283, Samsung contacted counsel for Apple to request an additional 5
4 pages to respond to Apple’s motion. Apple indicated that it takes no position on this request.
5 Attached herewith as Exhibit D is a true and correct copy of emails exchanged between the parties
6 on March 19 and 20, 2013.

7 I declare under penalty of perjury under the laws of the United States that the foregoing is
8 true. Executed on this 20th day of March in Los Angeles, California.

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/s/Robert J. Becher

Robert J. Becher

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ATTESTATION

I, Victoria Maroulis, am the ECF User whose ID and password are being used to file this Stipulation. In compliance with Local Rule 5.1(i), I hereby attest that Robert Becher has concurred in this filing.

Dated: March 20, 2013

/s/ Victoria Maroulis