

Robert Keeter

From: Victoria Maroulis
Sent: Monday, March 18, 2013 3:27 PM
To: 'Jacobs, Michael A.'; Kevin Johnson
Cc: 'Olson, Erik J.'; 'Hung, Richard S. J.'; Robert Becher; William Adams; 'Lauren.Fletcher@wilmerhale.com'; 'Mark.Selwyn@wilmerhale.com'; 'Borenstein, Ruth N.'
Subject: RE: Apple v Samsung -- Additional Damages Proceedings

Michael and Erik,

Please be sure to copy Rob Becher on the revisions to the stipulation as I am going to be unavailable for several hours.

Samsung does not believe Apple's motion for a new trial prior to appeal which will seek to shape such a trial is a proper motion under LR 7-11, but is instead an end run around the local rules that will have the effect of depriving Samsung of a full opportunity to oppose it. Thus, we urge you to reconsider. In the event Apple insists on using this procedure improperly, please confirm that Apple will not oppose Samsung's request for page extension should one be necessary.

Vicki

From: Jacobs, Michael A. [mailto:MJacobs@mofo.com]
Sent: Monday, March 18, 2013 2:15 PM
To: Victoria Maroulis; Kevin Johnson
Cc: Olson, Erik J.; Hung, Richard S. J.; Robert Becher; William Adams; 'Lauren.Fletcher@wilmerhale.com'; 'Mark.Selwyn@wilmerhale.com'; Borenstein, Ruth N.
Subject: Re: Apple v Samsung -- Additional Damages Proceedings

Vicki,

Erik will get you revisions. We won't need you to stipulate to a briefing schedule on our motion as it will be a MAR.

Michael

From: Victoria Maroulis [mailto:victoriamaroulis@quinnemanuel.com]
Sent: Monday, March 18, 2013 11:44 AM
To: Jacobs, Michael A.; Kevin Johnson <kevinjohnson@quinnemanuel.com>
Cc: Olson, Erik J.; Hung, Richard S. J.; Robert Becher <robertbecher@quinnemanuel.com>; William Adams <williamadams@quinnemanuel.com>
Subject: RE: Apple v Samsung -- Additional Damages Proceedings

Michael,

Please see proposed draft stipulation. Please review, revise as needed, and send back.

Thank you.

Vicki

From: Jacobs, Michael A. [mailto:MJacobs@mofo.com]
Sent: Sunday, March 17, 2013 9:32 PM
To: Victoria Maroulis; Kevin Johnson
Cc: Olson, Erik J.; Hung, Richard S. J.; Robert Becher; William Adams
Subject: Re: Apple v Samsung -- Additional Damages Proceedings

Vicki,

We propose to file our opposition on the 26th (assuming you file tomorrow) and your reply would be due on the 29th.

Michael

From: Victoria Maroulis [mailto:victoriamaroulis@quinnemanuel.com]
Sent: Sunday, March 17, 2013 09:15 PM
To: Jacobs, Michael A.; Kevin Johnson <kevinjohnson@quinnemanuel.com>
Cc: Olson, Erik J.; Hung, Richard S. J.; Robert Becher <robertbecher@quinnemanuel.com>; William Adams <williamadams@quinnemanuel.com>
Subject: RE: Apple v Samsung -- Additional Damages Proceedings

Michael,

We think replies will serve best to assist the Court in resolving the issues before it. If you prefer to alter the time periods proposed below, we are amenable to a revised briefing schedule.

Thank you.

Vicki

From: Victoria Maroulis
Sent: Saturday, March 16, 2013 9:14 PM
To: mjacobs@mofo.com; Kevin Johnson
Cc: ejolson@mofo.com; rhung@mofo.com; Robert Becher; William Adams
Subject: RE: Apple v Samsung -- Additional Damages Proceedings

we prefer replies but will get back to you definitively tomorrow as to whether we are willing to forego them.

Sent from my Samsung smartphone on AT&T

----- Original message -----

Subject: RE: Apple v Samsung -- Additional Damages Proceedings
From: "Jacobs, Michael A." <MJacobs@mofo.com>
To: Victoria Maroulis <victoriamaroulis@quinnemanuel.com>, Kevin Johnson <kevinjohnson@quinnemanuel.com>
CC: "Olson, Erik J." <EJOlson@mofo.com>, "Hung, Richard S. J." <RHung@mofo.com>, Robert Becher <robertbecher@quinnemanuel.com>, William Adams <williamadams@quinnemanuel.com>

Vicki,

While we are considering this scheduling proposal, can you please give us a better sense of your objections to our new trial proposal (besides the fact of it at all)?

I think six briefs is a lot of briefs -- more than is necessary. If we agree to a briefing schedule, can you agree to openers and oppositions, no replies?

-----Original Message-----

From: Victoria Maroulis [mailto:victoriamaroulis@quinnemanuel.com]
Sent: Saturday, March 16, 2013 11:42 AM

To: Jacobs, Michael A.; Kevin Johnson
Cc: Olson, Erik J.; Hung, Richard S. J.; Robert Becher; William Adams
Subject: RE: Apple v Samsung -- Additional Damages Proceedings

Michael,

Thank you for sending us your draft. We expected to talk further after we sent you case cites in support of Samsung's position but it sounds like Apple has conclusively rejected it. Nevertheless, we invite Apple one more time to join Samsung in seeking partial judgment under Rule 54(b) and a stay of the damages trial. Please note that Samsung will not be seeking relief from Court under 1292(b).

Having reviewed your draft, we do not believe that a joint submission would be fruitful or even feasible. There are too many issues that your submission raises for us to address efficiently while also putting forth our affirmative position (for example, we object to a number of parameters of your new trial proposal in addition to the fact that the proposal does not accomplish what the Court wanted the parties to do - namely, appeal the case first). It will also be confusing for the Court because the parties' portions will be addressing different things

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