
From: Jacobs, Michael A. [MJacobs@mofo.com]
Sent: Wednesday, March 20, 2013 8:24 AM
To: Victoria Maroulis
Cc: Olson, Erik J.; Kevin Johnson; Hung, Richard S. J.; Robert Becher; William Adams; Krevans, Rachel
Subject: RE: Apple v Samsung -- Additional Damages Proceedings

Vicki (and Rob/William),

Apple takes no position on your request for additional pages.

Michael

From: Jacobs, Michael A.
Sent: Tuesday, March 19, 2013 9:13 PM
To: 'victoriamaroulis@quinnemanuel.com'
Cc: Olson, Erik J.; 'kevinjohnson@quinnemanuel.com'; Hung, Richard S. J.; 'robertbecher@quinnemanuel.com'; 'williamadams@quinnemanuel.com'; Krevans, Rachel
Subject: Re: Apple v Samsung -- Additional Damages Proceedings

Vicki,

I don't understand the point on 54(b). Your brief is in, and you had our statement in advance and addressed it in your brief. We don't oppose you referring the Court to that brief in your opposition to our MAR. And your reply brief on the motion will be in the hands of the Court well before the scheduling conference.

As to the contours of the trial, while we would understand you taking a few paragraphs to respond to our few paragraphs, our proposed order calls for trial details to be addressed in the joint statement to be filed in advance of the CMC.

I am still having trouble understanding why Samsung needs more than five pages to respond to a motion for a scheduling conference, but I will get back to you tomorrow with our response to your request.

Michael

From: Victoria Maroulis [<mailto:victoriamaroulis@quinnemanuel.com>]
Sent: Tuesday, March 19, 2013 08:31 PM
To: Jacobs, Michael A.
Cc: Olson, Erik J.; Kevin Johnson <kevinjohnson@quinnemanuel.com>; Hung, Richard S. J.; Robert Becher <robertbecher@quinnemanuel.com>; William Adams <williamadams@quinnemanuel.com>; Krevans, Rachel
Subject: RE: Apple v Samsung -- Additional Damages Proceedings

Michael,

We request more than 5 pages to oppose Apple's MAR due to the number and complexity of issues the MAR raises. Apple's motion presents the Rule 54(b) partial judgment issues, and Samsung therefore must respond to those issues here given Apple's refusal to agree that its motion and Samsung's Rule 54(b) partial judgment motion should be briefed and heard on the same schedule. In addition, by presenting Apple's view of what the new trial should look like, Apple's motion requires Samsung to respond regarding both the contours of any new trial as well as the procedures that will apply to such a trial. This involves not only issues of potential additional

discovery, expert reports, motion practice and the like, but also constitutional issues relating to what issues are to be tried. Because Samsung cannot adequately present these issues in 5 pages, we are requesting additional length.

I will be flying much of the day tomorrow so please be sure to copy my partners Rob and William on any responses.

Thank you.

Vicki

From: Jacobs, Michael A. [<mailto:MJacobs@mofo.com>]
Sent: Tuesday, March 19, 2013 7:20 PM
To: Victoria Maroulis
Cc: Olson, Erik J.; Kevin Johnson; Hung, Richard S. J.; Robert Becher; William Adams; Krevans, Rachel
Subject: Re: Apple v Samsung -- Additional Damages Proceedings

Vicki,

Can you explain just a bit? Your motion lays out the Rule 54(b) argument. I'd like to be able for our side to consider your views why so many pages are needed.

Michael

On Mar 19, 2013, at 5:57 PM, "Victoria Maroulis" <victoriamaroulis@quinnemanuel.com> wrote:

Michael and Erik,

Samsung requests additional 5 pages for its opposition to Apple's MAR. Please advise by 9:30 am PST tomorrow whether Apple consents.

Thank you.

Vicki

Victoria Maroulis
Partner,
Quinn Emanuel Urquhart & Sullivan, LLP

555 Twin Dolphin Drive, 5th Floor
Redwood Shores, CA 94065
650-801-5022 Direct
650.801.5000 Main Office Number
650.801.5100 FAX
victoriamaroulis@quinnemanuel.com
www.quinnemanuel.com

NOTICE: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

From: Olson, Erik J. [<mailto:EJOlson@mofo.com>]
Sent: Monday, March 18, 2013 5:53 PM
To: Victoria Maroulis; Jacobs, Michael A.; Kevin Johnson
Cc: Hung, Richard S. J.; Robert Becher; William Adams
Subject: RE: Apple v Samsung -- Additional Damages Proceedings

Attached please find Apple's revisions to your proposed stipulation.

Erik Olson
Morrison & Foerster LLP
755 Page Mill Road | Palo Alto, CA 94304-1018
P: 650.813.5825 | F: 650.251.3842 | C: 650.283.5808
EJOlson@mofo.com | www.mofo.com

From: Victoria Maroulis [<mailto:victoriamaroulis@quinnemanuel.com>]
Sent: Monday, March 18, 2013 11:44 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,

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

To ensure compliance with requirements imposed by the IRS, Morrison & Foerster LLP informs you that, if any advice concerning one or more U.S. Federal tax issues is contained in this communication (including any attachments), such advice is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

For information about this legend, go to
<http://www.mofo.com/Circular230/>

=====
=====

This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail @mofo.com, and delete the message.

To ensure compliance with requirements imposed by the IRS, Morrison & Foerster LLP informs you that, if any advice concerning one or more U.S. Federal tax issues is contained in this communication (including any attachments), such advice is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

For information about this legend, go to
<http://www.mofo.com/Circular230/>

=====
=====

This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail @mofo.com, and delete the message.

To ensure compliance with requirements imposed by the IRS, Morrison & Foerster LLP informs you that, if any advice concerning one or more U.S. Federal tax issues is contained in this communication (including any attachments), such advice is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

For information about this legend, go to
<http://www.mofo.com/Circular230/>

=====
This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail @mofo.com, and delete the message.
