

From: Victoria Maroulis
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. Therefore, we propose that each party file a motion supporting their position on Monday, 3/18; that the oppositions be due on 3/25; replies be due on 3/28; and the hearing be requested for 4/11, the Court's regular motion day. We are happy to share with you a courtesy copy of our Rule 54/stay motion prior to filing it, once we finalize it - either late Sunday night or early Monday morning.

Please let us know if you agree to the above schedule and framework.

Thank you.

Vicki

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

From: Jacobs, Michael A. [<mailto:MJacobs@mofo.com>]
Sent: Friday, March 15, 2013 12:41 AM
To: Victoria Maroulis; Kevin Johnson
Cc: Olson, Erik J.; Hung, Richard S. J.
Subject: Apple v Samsung -- Additional Damages Proceedings

Vicki, Kevin,

As I foreshadowed for you earlier, we think the best way to move our discussions of a possible appeal or new trial on damages forward is to prepare a joint statement we would submit to the Court.

We took your informal proposal and reacted to it here. If you wish us to respond to something else, please let us know.

Please send us your proposed statement so we can work together on a joint submission. We aim to be on file next Wednesday, so if we can get your statement by Sunday evening, we can both have a couple of days to make sure our submissions meet other's arguments.

We will be looking at this further ourselves and will let you know if we tweak it in a particular direction.

Michael

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