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[COUNSEL LISTED ON SIGNATURE PAGE]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE INC., a California corporation,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., a
Korean corporation; SAMSUNG
ELECTRONICS AMERICA, INC., a New
York corporation; and SAMSUNG
TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,

Defendants.

Case No. 11-cv-01846-LHK (PSG)

**JOINT CASE MANAGEMENT
STATEMENT PURSUANT TO
CIVIL LOCAL RULE 16-10(d)**

Date: August 21, 2013
Time: 02:00 PM
Place: Courtroom 8, 4th Floor
Judge: Hon. Lucy H. Koh

1 Pursuant to Civil Local Rule 16-10(d), the parties submit this Joint Case Management
2 Statement in connection with the Case Management Conference (“CMC”) scheduled for August
3 21, 2013.

4 **I. PROGRESS AND CHANGES SINCE APRIL 22, 2013 JOINT STATEMENT**

5 **Case Management Conference and Order:** The Court held a Case Management
6 Conference on April 29, 2013, and issued a Case Management Order that same day.

7 **Experts:** Apple identified Julie Davis as its substitute damages expert. Apple has served
8 Ms. Davis’s report, and Samsung has served Mr. Wagner’s rebuttal report. Subject to the Court’s
9 ruling on Samsung’s Administrative Motion for Relief from April 29, 2013 Case Management
10 Order (Dkt. No. 2326), the parties have scheduled the experts’ depositions: Mr. Wagner on
11 August 20 and Ms. Davis on August 26.¹

12 **Proposed briefing schedule on expert motions:** As directed in the Case Management
13 Order, the parties met and conferred on a proposed briefing schedule regarding motions to strike
14 and any motion by Samsung under Federal Rule of Evidence 702 regarding the qualifications of
15 Ms. Davis. Subject to the Court’s ruling on Samsung’s Administrative Motion for Relief from
16 April 29, 2013 Case Management Order (Dkt. No. 2326), the parties propose motions to strike on
17 August 30; oppositions on September 12; and replies on September 19. Samsung proposes that
18 any Rule 702 motion filed by Samsung be briefed on the same schedule. Apple does not agree
19 that any Rule 702 motion is permitted under the Court’s April 29 order other than a Rule 702
20 motion regarding the qualifications of Ms. Davis.

21 **Samsung’s motions for administrative relief:** Samsung filed two related motions: (1)
22 Administrative Motion for Relief from April 29, 2013 Case Management Order (Dkt. No. 2326),
23 and (2) Motion for Leave To File Three Page Reply in Support of Samsung’s Administrative
24 Motion for Relief from April 29, 2013 Case Management Order, or Alternatively, For a Hearing

25
26 ¹ The Court’s Case Management Order specifies August 23, 2013 for the completion of
27 expert discovery. Should Ms. Davis’s deposition proceed pursuant to the parties’ agreement, they
28 respectfully request relief from the Court’s deadline solely for the purpose of taking Ms. Davis’s
deposition on August 26.

1 (Dkt. No. 2333). The Court has not yet issued rulings on these motions. Apple opposed both
2 motions, and believes they are both now moot. Samsung believes these motions are not moot,
3 respectfully requests rulings on the motions, and will be prepared to answer any questions the
4 Court may have at the CMC.

5 **Samsung's '381 motion:** Samsung filed a Motion for New Trial Regarding '381 Patent
6 Pursuant to Fed. R. Civ. P. 59 based on Newly Discovered Evidence or, Alternatively, for Entry
7 of Judgment on Liability (Dkt. No. 2338). Apple opposed the motion (Dkt. No. 2345) and
8 Samsung filed a reply (Dkt. No. 2352). Apple has filed a motion for leave to file a sur-reply (Dkt.
9 No. 2358), which Samsung has opposed (Dkt. No. 2360). Samsung noticed the motion for
10 August 15, but asked the Court's Clerk whether the motion could be heard during the Case
11 Management Conference. The Clerk indicated that the motion was not yet on calendar but the
12 parties should be prepared to argue it on August 21.

13 **Apple's motion regarding Infuse 4G first sale dates:** Apple filed a Motion to Modify
14 the April 29, 2013, Case Management Order Excluding Evidence Of Certain Infuse 4G Sales
15 (Dkt. No. 2343). Samsung has opposed (Dkt. No. 2353). The motion is set for hearing on
16 August 21, at the same time as the CMC.

17 **Developments with the USPTO:** Apple filed a Statement of Recent Decision Regarding
18 Confirmation of Claim 19 of U.S. Patent No. 7,469,381 (Dkt. No. 2323). Samsung filed a
19 Statement of Recent Decision Regarding Final Office Action by the USPTO Rejecting U.S.
20 Patent No. 7,844,915 (Dkt. No. 2349).

21 **II. APPLE'S PROPOSALS FOR CASE MANAGEMENT AND TRIAL** 22 **PREPARATION**

23 On April 29, 2013, at the close of the last Case Management Conference in this case, the
24 Court set August 21 as the date of the next CMC, with the express consent of Samsung's
25 counsel. The Court stated:

26 But at this point, you know, August [21], you may be able to flag
27 some issues that we can resolve that will help you in
28 preparing...(April 29 Hearing Tr. 88: 1-3.)

1 In this Case Management Statement, Apple has identified a number of the issues that have
2 arisen as it plans for the November trial, in the hope of getting guidance from the Court. Many of
3 these issues arose during the preparation of Apple's Expert Report and were specifically
4 identified to Samsung no later than June 24, when that report was served. Rather than attempting
5 to meet and confer or to open any dialogue, Samsung moved to continue the trial date. (Dkt. No.
6 2326-4.)

7 Apple sent a proposed Neutral Statement on infringement and validity to Samsung on
8 August 7 in order to start the meet-and-confer process on that statement. Apple sent a draft joint
9 CMC statement to Samsung on August 9 in order to start the meet-and-confer process on that
10 statement. As of August 9, Samsung had made no proposals of any kind to Apple or done
11 anything to initiate the meet and confer process on any trial preparation issues. Last Sunday,
12 August 11, Samsung responded not by meeting and conferring on any of the issues Apple raised,
13 but simply by attacking Apple for trying to begin the meet and confer process. Samsung claims
14 Apple has made no effort to meet and confer, but this is plainly untrue—Apple made two
15 overtures, and Samsung has refused to respond.

16 Now, having refused to meet and confer, Samsung objects to discussing any of these
17 subjects at a Case Management Conference, because its lead counsel has a conflict — which
18 apparently existed at the time Samsung agreed to the CMC date.

19 It should be obvious that both parties have already begun to prepare for the trial. Issues
20 have arisen, been identified, and even been briefed that need to be discussed with the Court. It
21 will not be helpful to postpone these discussions until October.

22 **Presenting infringement and validity to jury/neutral statement:** The April 29, 2013,
23 Case Management Order directed the parties to meet and confer regarding how to present
24 information regarding infringement and validity to the jury. (Dkt. No. 2316 at 3.) Apple
25 proposes that the Court read a neutral statement to the jury at the outset of the case to provide
26 information about the prior trial and the nature of the new trial. This neutral statement would be
27 in the nature of the type of preliminary instruction that this Court read to the jury at the start of
28 the liability trial, explaining the nature of the proceeding. Among other things, the neutral

1 statement would inform the jury that infringement and validity have been established and are not
2 to be revisited.

3 As noted above, Apple provided Samsung with a draft neutral statement on August 7,
4 2013, to begin the meet-and-confer process on such a statement. For reference, the draft that
5 Apple provided to Samsung is attached as Exhibit A. Samsung's assertion that Apple is
6 somehow "attempt[ing] to circumvent the meet and confer process" is inconsistent with the facts:
7 Apple sent Samsung a first draft of a neutral statement a full week before the August 21 CMC,
8 informed Samsung it wished to begin the meet-and-confer process, and proposed that the parties
9 begin discussing the concept with the Court at the CMC.

10 Apple believes that the neutral statement also should inform the jury that the Court has
11 determined the dates on which Samsung had notice of its infringement of each patent, and
12 therefore the dates when damages can start running on each patent. Those dates would be
13 included in the juror notebooks.

14 **Disclosures of witnesses and deposition designations:** The April 29, 2013, Case
15 Management Order authorized Apple to substitute a new damages expert for Terry Musika.
16 Apart from that substitution, Apple understands that the only witnesses and deposition
17 designations that may be used at the new trial are those that were listed in the parties' final
18 pretrial submissions filed on July 23, 2012. That is, Samsung is limited to the witnesses and
19 designations listed in Dkt. Nos. 1278 (excluding Appendix A, which was struck by the Court (*see*
20 Dkt. No. 1293) and 1284), and Apple is limited to the witnesses and designations listed in Dkt.
21 Nos. 1287 and 1290. Apple further understands that the witnesses' testimony must be within the
22 scope of the topics disclosed in those submissions.

23 Given that even those final witness and designation lists were lengthy, to facilitate the
24 parties' and Court's preparation for trial, including the efficient resolution of objections, Apple
25 proposes that the parties exchange witness lists and deposition designations well in advance of
26 trial. To that end, Apple proposes that no later than September 23, 2013, the parties exchange
27 lists of the witnesses and deposition testimony they intend to use at trial, other than solely for
28 impeachment or rebuttal, together with a brief statement describing the substance of the testimony

1 to be given. The parties would address any objections to the listed witnesses and deposition
2 designations in connection with meeting and conferring regarding a Joint Pretrial Statement. The
3 parties would include their final witness lists and deposition designations in the Joint Pretrial
4 Statement to be filed on October 3, 2013 (14 days before the scheduled pretrial conference).
5 Apple seeks the Court's direction as to whether an earlier date for filing the Joint Pretrial
6 Statement, and corresponding earlier dates for the parties to exchange witness lists, would assist
7 the Court.

8 Samsung's suggestion that the parties should be free to designate "any previously
9 disclosed witness" is unreasonable and inconsistent with the Court's directive, "You'll have your
10 same witnesses from last time." (April 29 Hearing Tr. at 79:12-13.) Samsung's pool of potential
11 witnesses would apparently include not only the 50 live witnesses and 45 deposition witnesses
12 Samsung disclosed, but the additional 112 witnesses it improperly disclosed in an appendix that
13 the Court struck. (Dkt. No. 1293.) This prejudices Apple, who would be limited to the disclosure
14 it served in compliance with the Court's order, and rewards Samsung for ignoring the Court's
15 order. (*Id.* at 1 ("Samsung's Appendix A is contrary to the letter and spirit of the Court's Case
16 Management Order."))

17 Samsung's reference to R. Sukumar is grossly misleading. Samsung did not properly
18 disclose Dr. Sukumar as a witness in the first trial—he was listed on Samsung's improper
19 Appendix A. Nevertheless, Samsung requested the Court's permission to call Dr. Sukumar *in*
20 *Samsung's case on its own patents*. The Court found that exclusion of Dr. Sukumar's survey
21 would be unduly prejudicial to Samsung. (Dkt. No. 1749 at 3-4.) Dr. Sukumar testified for three
22 minutes on direct examination solely regarding his survey and valuation of *Samsung's patents*.
23 (Trial Tr. at 3092:2-3095:15.) The issues that Dr. Sukumar discussed, which the Court believed it
24 would have been unduly prejudicial to exclude from the first trial, are not present in this trial.

25 **Exhibit procedure:** Apple believes that the Court should (1) limit the parties to the same
26 exhibits disclosed in the parties' July 2012 pretrial submissions; and (2) before trial, admit
27 exhibits already admitted in connection with the first trial to avoid unnecessary argument and
28 process regarding exhibits actually submitted to the first jury.

1 Samsung's proposal that the parties should have a trial based on an entirely new set of
2 exhibits is unwarranted and inconsistent with the Court's directive. Samsung's assertion that it
3 needs new exhibits to respond to Julie Davis is also incorrect, as Ms. Davis's opinion is strictly
4 limited by the Court's order to the methodologies and data used by Apple's first expert, Terry
5 Musika.

6 **Time allocation:** Apple believes the trial time allotted by the Court should be split evenly
7 between the parties. Assuming November 12, 2013, is taken up entirely by jury selection, this
8 would leave 26 hours of trial time (6.5 hours per day on November 13, 14, 15, and 18). Apple
9 therefore proposes that each party be allotted 13 hours of trial time, including time for opening
10 statements and closing arguments.

11 **Motions in limine:** Apple is mindful that the Court's prior rulings on the parties' motion
12 in limine remain in effect and may not be relitigated. It is possible, however, that new issues may
13 arise in connection with the new trial. Accordingly, Apple proposes that the Court permit the
14 parties to file motions in limine solely on issues that are not controlled by the Court's prior
15 rulings. Apple proposes that any motions in limine be filed on October 3, and oppositions be
16 filed on October 7 (14 days and 10 days before the scheduled pretrial conference).

17 **III. SAMSUNG'S STATEMENT REGARDING APPLE'S PROPOSALS FOR CASE** 18 **MANAGEMENT AND TRIAL PREPARATION**

19 Samsung has requested relief from the current schedule in its pending Administrative
20 Motion for Relief, as well as in its Motion for a New Trial Regarding '381 Patent. In the event
21 the Court wishes to hear further case management proposals for the current schedule, Samsung
22 believes the majority of the issues Apple requests the Court to address are unripe and motivated
23 by Apple's improper attempts to seek tactical advantage.

24 On August 9, 2013, just three business days before the filing deadline, Apple served
25 Samsung with its draft portion of this Joint Statement. Apple's portion raises trial management
26 issues and proposed deadlines that will affect the scope and substance of the new trial, as well as
27 Samsung's preparations for trial. In particular, Apple proposes limitations on witnesses,
28 deposition designations, and trial exhibits that are clearly prejudicial to Samsung. Yet, Apple

1 never notified Samsung it would raise these issues at the August 21 CMC, and made no effort to
2 meet and confer with Samsung about them. Moreover, given the importance of these issues,
3 Samsung's lead counsel for the new trial, Bill Price, would appreciate the opportunity to discuss
4 them with the Court. However, Mr. Price is heading into a trial and is not able to attend the
5 August 21 CMC. Samsung requested that Apple agree to a brief continuance of the CMC, but
6 Apple has indicated its lead counsel is unavailable for a six-week period encompassing all the
7 potential alternative dates. Samsung also requested that the parties postpone discussion of
8 Apple's new issues with the Court, but Apple refused. See Exhibit B attached hereto.

9 Instead, Apple claimed that it had raised some of these issues in its portion of the April 22,
10 2013 Joint Statement Regarding Further Post-Trial Proceedings. *See* Exhibit B. But most of the
11 issues it now raises and all of its proposed new deadlines were never mentioned on April 22,
12 2013. What is more, making vague proposals months before trial is scheduled and a Case
13 Management Order is entered is not the same as meeting and conferring on specific proposals and
14 deadlines. Apple next claims that the issues it now raises for the first time were disclosed in Julie
15 Davis's June 24, 2013 Expert Report. When pressed about where in Ms. Davis's Report Apple
16 had disclosed its specific proposals concerning trial logistics, Apple could only respond that
17 Samsung's Administrative Motion concerning Ms. Davis's Report raised the issue of "whether
18 trial witnesses will be recalled or whether, in the new trial, the prior testimony will be given by a
19 damages expert," and "whether previous trial exhibits need to be modified to reflect the smaller
20 group of accused devices." *See* Exhibit C. Neither of these issues have been raised by Apple for
21 discussion at the CMC, and nowhere in Ms. Davis's Report does she discuss the proposals that it
22 has.

23 As a result of Apple's tactics, Samsung will not have its lead trial counsel at the August
24 CMC to address these issues, which are in any event unripe. Apple is attempting to "sandbag"
25 Samsung and obtain an unfair tactical advantage. Apple's tactics will also burden the Court with
26 having to address disputes that could conceivably be resolved were Apple willing to discuss them.
27 Samsung thus requests that the Court delay any decision on these issues until after Samsung has
28 had the opportunity to properly consider them, the parties meet and confer, and Samsung's lead

1 trial counsel is available to address any disputes with the Court. Samsung has already indicated
2 to Apple its willingness to meet and confer on these issues and to schedule a further case
3 management conference in the event the parties are unable to agree.

4 Nonetheless, in the event the Court declines Samsung's request, Samsung hereby offers its
5 preliminary views on Apple's new proposals:

6 **Presenting infringement and validity to jury:** The Court's April 29, 2013 Case
7 Management Order directed the parties to "meet and confer regarding how to present information
8 regarding infringement and validity to the jury." (Dkt. No. 2316 at 3:15-16.) On August 7, just
9 one week before the deadline for this Statement, Apple served a purported "neutral" statement
10 "[t]o start this meet-and-confer process." See Exhibit B. The date set by the Case Management
11 Order to address this issue is October 17, 2013, a date expressly agreed to by Apple at the last
12 CMC.

13 In these circumstances, one would think that Samsung has ample time to consider Apple's
14 August 7 proposal and to meet and confer with Apple to attempt to formulate language acceptable
15 to both sides. Yet, Apple now seeks to abridge Samsung's time to consider Apple's August 7
16 proposal, circumvent the meet and confer process, and de facto amend the Case Management
17 Order by raising the issue at the August 21 CMC. While Apple assures Samsung that it does not
18 expect it to "finalize" its position by August 14, and that "the Court will want to know that the
19 parties are in discussion," this is belied by Apple's proposed agenda item, below: "Address
20 *parties'* proposals regarding how infringement and validity should be presented to the jury via
21 neutral statement or otherwise." (Emphasis added.) Samsung is considering Apple's proposal
22 and is willing to meet and confer in the hopes of formulating common language. However, the
23 Court should reject Apple's attempt to circumvent the meet and confer process, gain an unfair
24 advantage, and de facto amend the Case Management Order by advancing the discussion of issues
25 on which there was already an agreed-upon timetable.

26 **Disclosures of witnesses and deposition designations:** Samsung believes that a limit on
27 the total number of witnesses each side may designate and call at trial would be appropriate, but
28 subject to such numerical limit, each side should be free to designate in pre-trial disclosures and

1 call any previously disclosed witness. As Samsung indicated at the April 29, 2013 hearing, Apple
2 is improperly attempting to prevent Samsung from being able to call witnesses – including
3 Samsung’s survey expert, R. Sukumar, who was properly disclosed in Samsung’s July 7, 2012
4 witness list (Dkt. No. 1193-1) and testified at the earlier trial – on the pretext that they are
5 disclosed on Appendix A of the July 23, 2012 version of Samsung’s witness list. Apple seeks to
6 exploit Samsung’s good faith efforts to narrow its witness lists given the time constraints of the
7 earlier trial by now excluding witnesses who pose no prejudice to Apple. The parties’ final
8 witness lists in the first trial were crafted to meet the Court’s 25-hour limit on both damages *and*
9 *liability* testimony. Samsung would obviously have made very different choices had it known
10 that it would be constrained by this final list at a new trial focused solely on damages and with
11 additional time to present its damages case. Samsung’s proposal would obviate Apple’s
12 purported concern about lengthy “witness and designation” lists, and will cause no prejudice
13 because all of the witnesses have previously been disclosed. Samsung is willing to meet and
14 confer with Apple to attempt to reach agreement on an appropriate number.

15 At the April 29 Case Management Conference, Apple agreed to a Pre-Trial Conference on
16 October 17, 2013. Under Federal Rule of Civil Procedure 26(a)(3)(B), pre-trial disclosures are
17 thus due on October 11, 2013. At no point during the April 29 Case Management Conference did
18 Apple request early pre-trial disclosures, nor did it ever raise the issue with Samsung before
19 servicing its portion of this Statement on August 9, 2013. Subject to the Court’s ruling on
20 Samsung’s Administrative Motion for Relief from April 29, 2013 Case Management Order (Dkt.
21 No. 2326), Samsung has been preparing for trial and scheduling various pre-trial preparations on
22 the basis of the Federal Rules. To change this now, and order that Samsung must serve its pre-
23 trial disclosures in just six weeks, would prejudice Samsung’s trial preparation. Moreover, the
24 Court specifically chose a pre-trial conference date that would occur after the October 10, 2013
25 hearing. Indeed, it makes sense for pre-trial disclosures to be exchanged after the October 10
26 hearing on the parties’ motions to strike and any Samsung Daubert motion. That way, the parties
27 can make final adjustments to their witness and exhibit lists in light of the Court’s guidance on
28 the scope of damages expert testimony each side will be permitted to present.

1 **Exhibit procedure:** Samsung does not believe the Court should limit the parties to the
2 same exhibits disclosed prior to the first trial. For example, Apple has made numerous
3 admissions to the USPTO subsequent to the first trial that directly contradict its arguments
4 concerning the scope of the '381 and '915 patents. Apple should not be permitted to tell the
5 Patent Office one thing and the new jury another. Samsung should be able to put this new
6 evidence before the jury. Doing so would raise no issues concerning inconsistent appellate
7 records because liability issues are not being retried and this damages trial will have its own
8 separate record. Rather, the trial should be held based on an evidentiary record as it exists at the
9 time of the new trial.

10 In the event the Court declines to accept Samsung's position, an exception should be made
11 with respect to Ms. Davis. In light of Mr. Musika's passing, Samsung consented to Apple's
12 substitution of a new damages expert for the new trial, Ms. Davis. However, Samsung obviously
13 never had the opportunity to depose Ms. Davis before pre-trial exchanges leading up to the first
14 trial. Therefore, Samsung never had the opportunity to designate exhibits that would be useful for
15 cross-examination of Ms. Davis and rebuttal testimony in light of her specific background, the
16 assignments she was given, and the work performed in reaching her opinions. Under Apple's
17 proposal, Samsung would not even be allowed to designate exhibits used during Ms. Davis's
18 deposition, which will give Apple adequate notice and cause no prejudice.

19 The Court should reject Apple's proposal to admit exhibits simply because they were
20 admitted at the first trial. Numerous exhibits admitted during the first trial – such as those
21 directed to liability, willfulness and trade dress claims – will have no relevance to the new trial.
22 The pre-trial process requires the parties to attempt to stipulate to the pre-admission of exhibits
23 and Samsung is willing to meet and confer with Apple to reduce the scope of any disputes.
24 However, ordering a blanket admission of numerous exhibits without regard to their relevance
25 and potential prejudice would be highly prejudicial to Samsung.

26 Samsung proposes that remaining issues about exhibits be addressed in accordance with
27 the usual pre-trial procedures before the Court's scheduled Pre-Trial Conference on October 17,
28 2013.

1 **Time allocation:** Samsung believes that Apple's assumption of only one day of jury
2 selection is optimistic in light of the extensive media attention devoted to this case and the trial's
3 venue. Nonetheless, Samsung is amendable to dividing any remaining time equally between the
4 parties.

5 **Motions in limine:** Samsung agrees that the parties should be permitted to file a limited
6 number of motions in limine, and is willing to meet and confer with Apple concerning an
7 appropriate number. However, depending on the number of motions, it is likely that Apple's
8 proposed briefing schedule – which leaves just four days for oppositions – is too compressed.
9 Samsung proposes that the parties meet and confer concerning the number of such motions and
10 thereafter attempt to agree on a more realistic briefing schedule.

11 **IV. ADR**

12 The parties do not feel that additional court-supervised ADR would be helpful at this time.

13 **V. PROPOSED AGENDAS FOR CMC**

14 **Samsung's Proposed Agenda**

- 15 1. Address the effect of the PTO's recent actions on the new trial and expected
16 timeline for resolution concerning the '915 patent.
- 17 2. Address any questions by the Court concerning Samsung's Administrative Motion
18 for Relief from April 29, 2013 Case Management Order.
- 19 3. Argument on Samsung's Motion for New Trial Regarding '381 Patent Pursuant to
20 Fed. R. Civ. P. 59 based on Newly Discovered Evidence or, Alternatively, for Entry of Judgment
21 on Liability.
- 22 4. Argument on Apple's Motion to Modify the April 29, 2013, Case Management
23 Order Excluding Evidence Of Certain Infuse 4G Sales.
- 24 5. Address schedule for motions to strike and any *Daubert* motion from Samsung.

25 **Apple's Proposed Agenda**

- 26 1. Address schedule for motions to strike and any 702 motion regarding Ms. Davis's
27 qualifications from Samsung.

1 2. Argument on Samsung’s ’381 motion (assuming motion was not heard at
2 scheduled hearing date).

3 3. Argument on Apple’s Motion to Modify the April 29, 2013, Case Management
4 Order Excluding Evidence Of Certain Infuse 4G Sales.

5 4. Address parties’ proposals regarding how infringement and validity should be
6 presented to the jury via neutral statement or otherwise.

7 5. Address proposals regarding disclosures of witnesses and deposition designations.

8 6. Address proposals regarding motions in limine.

9
10 Dated: August 14, 2013

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SAMSUNG TELECOMMUNICATIONS
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By: /s/ Harold J. McElhinny
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ATTESTATION OF E-FILED SIGNATURE

I, Harold J. McElhinny, am the ECF User whose ID and password are being used to file this Joint Case Management Statement. In compliance with Local Rule 5-1(i)(3), I hereby attest that Victoria F. Maroulis has concurred in this filing.

Dated: August 14, 2013

/s/ Harold J. McElhinny
HAROLD J. MCELHINNY