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15 Attorneys for SAMSUNG ELECTRONICS CO.,  
LTD., SAMSUNG ELECTRONICS AMERICA,  
16 INC. and SAMSUNG  
TELECOMMUNICATIONS AMERICA, LLC  
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18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

20 APPLE INC., a California corporation,  
21 Plaintiff,

22 vs.

23 SAMSUNG ELECTRONICS CO., LTD., a  
24 Korean business entity; SAMSUNG  
ELECTRONICS AMERICA, INC., a New  
25 York corporation; SAMSUNG  
TELECOMMUNICATIONS AMERICA,  
26 LLC, a Delaware limited liability company,

27 Defendants.

CASE NO. 11-cv-01846-LHK

**MOTION FOR LEAVE TO FILE THREE-  
PAGE REPLY IN SUPPORT OF  
SAMSUNG'S ADMINISTRATIVE  
MOTION FOR RELIEF FROM APRIL 29,  
2013 CASE MANAGEMENT ORDER, OR  
ALTERNATIVELY, FOR A HEARING**

Place: Courtroom 4, 5th Floor

Judge: Hon. Lucy H. Koh

1 Pursuant to Civil Local Rule 7-11, Samsung Electronics Co., Ltd., Samsung Electronics  
2 America, Inc., and Samsung Telecommunications America, LLC (collectively, “Samsung”)  
3 respectfully request leave to submit a three-page Reply in Support of Samsung’s Administrative  
4 Motion for Relief from April 29, 2013 Case Management Order or, in the alternative, a hearing on  
5 the Administrative Motion. Samsung’s proposed Reply is attached hereto as Exhibit 1.

6 A reply or hearing is necessary for several reasons. *First*, Apple’s Opposition is riddled  
7 with mischaracterizations of its new expert report. (Dkt. No. 2328.) Because Samsung does not  
8 have the benefit of a hearing on its Administrative Motion, without a reply, Samsung will have no  
9 opportunity to respond to Apple’s numerous mischaracterizations and, under the current schedule,  
10 it must serve its rebuttal expert report in just over two weeks, on July 26, 2013. Had Apple  
11 complied with the Court’s April 29, 2013 Case Management Order (“CMC Order”) and served a  
12 supplemental damages report that merely adjusted for the new notice dates – as opposed to making  
13 the fundamental changes described in Samsung’s Motion for Relief – Samsung would have had no  
14 need to seek administrative relief from the CMC Order.

15 *Second*, the Court has recognized that Apple’s damages theories are “very complex.”  
16 (Aug. 20, 2012 Tr. at 3817:4.) Apple’s Opposition tries to take advantage of this complexity in  
17 the hope that the Court will not have the resources to truly understand the fundamental changes its  
18 new expert has made to the damages theories Apple presented at trial. The Court should have the  
19 benefit of Samsung’s explanation of why the arguments in Apple’s Opposition are unavailing.

20 *Finally*, a short reply would merely serve to equalize the number of pages of briefs and  
21 supporting declarations filed by each side. Samsung filed a five-page brief, but no substantive  
22 declarations in support, to comply with the Local Rules that contemplate a concise request. Apple  
23 filed a five-page brief but also five pages of supporting declarations that expanded on its brief.  
24 Permitting a short reply would mean that each side was given an equal number of pages of  
25 substantive argument.

26 For the foregoing reasons, Samsung respectfully requests leave to file its Reply or, in the  
27 alternative, a hearing on its Administrative Motion.

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DATED: July 8, 2013

Respectfully submitted,

QUINN EMANUEL URQUHART & SULLIVAN, LLP

By/s/ Victoria F. Maroulis

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