

EXHIBIT B

From: Sabri, Nathan B.
Sent: Monday, August 12, 2013 2:55 PM
To: Anthony Alden
Cc: Samsung v. Apple; WH Apple Samsung NDCal Service (WHAppleSamsungNDCalService@wilmerhale.com); AvSS Damages Trial
Subject: RE: Apple v. Samsung - 11-cv-01846-LHK - Draft Joint Case Management Statement
Attachments: SAN FRANCISCO-DRAFT Joint Statement for August 21 2013 CMC-3316623.DOC

Anthony,

Samsung is certainly entitled to disagree and object regarding what may be discussed, but Apple is entitled to include what it believes should be discussed and propose its agenda. The whole point of a CMC is to monitor progress towards trial. Trying to prevent Apple from raising items for early discussion is obstructive to that process.

Moreover, this is not the first time Apple has raised early discussion of trial management—even some of the exact topics in Apple’s section of this new joint statement. Apple’s portion of the April 22 CMC statement set out, for example, Apple’s view that the parties should be limited to the same witnesses and exhibits, and that the Court should admit exhibits that were admitted in the first trial.

For clarification, we sent you a proposed neutral statement simply to start the process, not so that we could finalize it by August 14. And we believe the Court will want to know that the parties are in discussion.

A draft that accepts many of your changes and includes in redline our further changes is attached. As you will see, we reinserted our section. We are assuming Samsung will want to respond and have inserted a section for you to fill in with that response.

Nathan Sabri
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From: Anthony Alden [mailto:anthonyalden@quinnemanuel.com]
Sent: Sunday, August 11, 2013 2:18 PM
To: Sabri, Nathan B.; Robert Becher
Cc: Samsung v. Apple; 'WH Apple Samsung NDCal Service'; AvSS Damages Trial
Subject: RE: Apple v. Samsung - 11-cv-01846-LHK - Draft Joint Case Management Statement

Nate: attached are clean and redline versions of Samsung’s edits to Apple’s proposed case management statement. As you’ll see, we’ve deleted Apple’s proposed section II “Apple’s Proposals for Case Management and Trial Preparation” and object to any discussion of these issues at the CMC. *First*, despite having months to do so, this is the first time Apple has raised any of these issues (other than the presentation of issues of infringement/validity to the jury), and has made no attempt to meet and confer on them. The case management statement is due in just three business days and it is unreasonable to expect that this is sufficient time for Samsung to consider and respond to Apple’s surprise proposals. *Second*, insofar as the issue of presenting infringement and validity to the jury is concerned, the timing on this was already discussed at the last CMC and the parties’ agreed to October 17, 2013. That date is reflected in the

Court's April 29, 2013 Case Management Order (October 17, 2013: "Pretrial Conference (including discussions of how to present infringement and validity findings to new jury)".) Apple has not sought Samsung's agreement to modify the schedule in the Case Management Order, nor has it moved the Court to do so. Moreover, even Apple's proposed joint statement concedes that it made its initial proposal of a "neutral statement" only two days ago "to begin the meet-and-confer process." Again, it is patently unreasonable to expect Samsung to be able to respond in just two days, and Apple's attempt to force Samsung to do so is improper. *Finally*, the evidentiary and trial management issues raised in section II require the input of Samsung's lead trial counsel, Bill Price. As we foreshadowed several weeks ago, Mr. Price is heading into trial and is unable to attend the conference on August 21. Had Apple provided any forewarning that it intended to raise these issues on August 21, Mr. Price would have attempted to change his schedule or Samsung would have requested a continuance.

Samsung is willing to meet and confer with Apple concerning the issues raised in its proposed section II, and to schedule a further CMC in the event the parties cannot reach agreement. However, it will not accept Apple's attempt to preempt the meet and confer process and sandbag. In the event Apple refuses to delete its proposed section II, Samsung intends to file an administrative motion to continue the CMC. Please let us know Apple's position by close of business on Monday.

Anthony Alden

Partner

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From: Sabri, Nathan B. [<mailto:NSabri@mofo.com>]

Sent: Friday, August 09, 2013 11:20 AM

To: Robert Becher

Cc: Samsung v. Apple; 'WH Apple Samsung NDCal Service'; AvSS Damages Trial

Subject: Apple v. Samsung - 11-cv-01846-LHK - Draft Joint Case Management Statement

Rob,

Further to my email below with the neutral statement, attached is a draft joint case management statement. We need to file this jointly by Wednesday, August 14.

Please note that several members of our team are traveling and in different time zones. We will not be available to make edits or file later than 6pm PST / 9pm EST on Wednesday. So we will need to finalize before then.

Nate

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From: Sabri, Nathan B.
Sent: Wednesday, August 07, 2013 7:54 PM
To: Robert Becher
Cc: Samsung v. Apple; 'WH Apple Samsung NDCal Service'; AvSS Damages Trial
Subject: Apple v. Samsung - 11-cv-01846-LHK - Draft Neutral Statement

Rob,

The April 29, 2013 Case Management Order directed the parties to meet and confer regarding how to present information on infringement and validity to the jury.

We propose that the Court read a neutral statement to the jury at the outset of the case. Among other things, the statement would inform the jury that infringement and validity have been established and are not to be revisited. To start this meet-and-confer process, attached is a draft neutral statement.

We look forward to your views.

Nate

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