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 LTD., SAMSUNG ELECTRONICS AMERICA,
 15 INC. and SAMSUNG
 TELECOMMUNICATIONS AMERICA, LLC
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17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION
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20 APPLE INC., a California corporation,
 21 Plaintiff,
 22 vs.
 23 SAMSUNG ELECTRONICS CO., LTD., a
 Korean business entity; SAMSUNG
 24 ELECTRONICS AMERICA, INC., a New
 York corporation; SAMSUNG
 25 TELECOMMUNICATIONS AMERICA,
 LLC, a Delaware limited liability company,
 26 Defendant.
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CASE NO. 11-cv-01846-LHK
**SAMSUNG'S REQUEST FOR A JOINT
 HEARING ON APPLE'S MOTION FOR
 ADVERSE INFERENCE INSTRUCTION
 AGAINST SAMSUNG AND SAMSUNG'S
 MOTION FOR ADVERSE INFERENCE
 INSTRUCTION AGAINST APPLE**

1 On June 26, 2012, Samsung filed a Motion for De Novo Determination of Dispositive
2 Matter Referred to Magistrate Judge, In The Alternative, Motion for Relief from Nondispositive
3 Pretrial Order of Magistrate Judge, (Dkt. 1392), and briefing on that motion was completed on
4 August 3, 2012 (Dkt. 1531, 1579). Also on June 26, 2012, Samsung filed a Motion for Spoliation
5 Adverse Inference Against Apple, (Dkt. 1388), which this Court referred to Magistrate Judge
6 Grewal. The briefing on Samsung's Motion for Spoliation Adverse Inference Against Apple was
7 completed on August 7, (Dkt. 1591, 1600), and Magistrate Judge Grewal held a hearing on the
8 motion that same day (Dkt. 1604).

9 Samsung respectfully requests that appeals of both motions be heard together. The two
10 motions are inextricably intertwined. However Judge Grewal rules on Samsung's motion, the
11 party who does not prevail will almost surely appeal to this Court. The motions raise common
12 issues as to the trigger date for the duty to preserve evidence. Samsung is aware of no case, and
13 Apple has never cited any, in which a court held that a defendant is subject to preservation
14 obligation before the plaintiff. Permitting the appeals to be heard simultaneously would ensure
15 that the Court has before it all relevant issues and facts, when it considers what could potentially
16 be an unprecedented decision.

17 Therefore, Samsung's respectfully requests that the Court not set a hearing on its Motion
18 for De Novo Determination of Dispositive Matter Referred to Magistrate Judge, In The
19 Alternative, Motion for Relief from Nondispositive Pretrial Order of Magistrate Judge, (Dkt. 1392)
20 until after Magistrate Judge Grewal issues a ruling on Samsung's Motion for Spoliation Adverse
21 Inference Against Apple, (Dkt. 1388), and the parties have an opportunity to complete expedited
22 briefing of the appeal of that ruling to this Court.

1 DATED: August 8, 2012

Respectfully submitted,

2 QUINN EMANUEL URQUHART &
3 SULLIVAN, LLP

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5 By/s/ Victoria F. Maroulis

6 Charles K. Verhoeven

7 Kevin P.B. Johnson

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11 LTD., SAMSUNG ELECTRONICS AMERICA,
12 INC. and SAMSUNG

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