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August 31, 2011

**VIA E-FILING**Honorable Lucy H. Koh  
United States District Court,  
Northern District of California  
Courtroom 8, 4th Floor  
280 South First Street  
San Jose, CA 95113Re: Apple Inc. v. Samsung Electronics Co., Ltd. et. al. No. 11-CV-01846-LHK

Your Honor:

This letter is in response to the Court's August 30, 2011 Order (D.N. 191) directing Samsung to respond to the filing of the Notice of Withdrawal of Bridges & Mavrakakis LLP ("B&M").

While Samsung agrees that B&M's withdrawal moots the need to issue an order disqualifying B&M from appearing as counsel of record in this case, Samsung still respectfully requests relief needed to protect its confidential information in the possession of B&M. Samsung sought a stipulation from Apple regarding any further use of B&M's confidential information from its prior representation of Samsung. (Ex. A.) Apple responded by agreeing to certain conditions while refusing others. (Ex. B.) With respect to the issues on which the parties could not reach agreement, Samsung respectfully requests that the Court issue an order directing that:

- (1) B&M will not provide support services, consult, or participate in any further aspects of this case or any cases between Apple and Samsung relating to tablet computers and mobile devices;
- (2) Apple and its current counsel return to B&M any work product prepared by B&M prior to its withdrawal; and
- (3) B&M will share no further work product related to the pending actions

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between Apple and Samsung it may have created during its participation in this case with Apple and its current counsel.

Such an order would clarify the implications of B&M's withdrawal and stave off any potential problems that might arise regarding B&M's continued involvement in the case or issues related to the case. None of these forms of relief is addressed or mooted by B&M's formal withdrawal.

For requested relief (1), Apple has refused to commit to B&M's non-participation in related cases. As Apple itself noted in the "Related Cases" section of the Joint Case Management Statement, however, "Counterparts to many of the patents-in-suit are being litigated between the parties in cases outside the U.S."—Apple listed 19 such related cases in this statement (D.N. 159). Given the intertwined nature of these cases, B&M's withdrawal in this case does not moot the impact of its presence and participation in these related cases.

For requested relief (2) and (3), B&M's withdrawal cannot erase the taint its conflict imparted to its work product. Only an order shielding Samsung from the further use of such work product can ensure that Samsung's confidential information does not inform Apple's positions going forward. *See Glaxco Group Ltd. v. Genentech, Inc.*, 2010 WL 2787917, at \*5 (C.D. Cal. July 13, 2010) (holding "[t]he [disqualified] firm shall not transfer any work product.... The [disqualified] firm is disqualified based on a presumption that it possesses confidential information ... that is material to this case. This presumption also supports a prohibition of transfer of the [disqualified] firm's work product to successor counsel").

Very truly yours,

*/s/ Kathleen M. Sullivan*

Kathleen M. Sullivan

#### **GENERAL ORDER ATTESTATION**

I, Victoria Maroulis, am the ECF user whose ID and password are being used to file the foregoing document. I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic filing of this document has been obtained from Kathleen Sullivan.

*/s/ Victoria Maroulis*