

# EXHIBIT 1

**From:** Hung, Richard S. J. [RHung@mofo.com]  
**Sent:** Friday, November 16, 2012 11:45 AM  
**To:** Robert Becher  
**Cc:** Samsung v. Apple; AvSSNDCPostTrial; 'WHAppleSamsungNDCalService@wilmerhale.com'  
**Subject:** Re: Motion for Injunction

Rob - this is acceptable assuming that Samsung files its opening briefs around noon today.

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**From:** Robert Becher [mailto:robertbecher@quinnemanuel.com]  
**Sent:** Friday, November 16, 2012 10:52 AM  
**To:** Hung, Richard S. J.  
**Cc:** Samsung v. Apple <Samsungv.Apple@quinnemanuel.com>; AvSSNDCPostTrial; 'WHAppleSamsungNDCalService@wilmerhale.com' <WHAppleSamsungNDCalService@wilmerhale.com>  
**Subject:** RE: Motion for Injunction

Rich—Attached is the updated stipulation. Please confirm it is fine.

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**From:** Hung, Richard S. J. [mailto:RHung@mofo.com]  
**Sent:** Friday, November 16, 2012 9:53 AM  
**To:** Robert Becher  
**Cc:** Samsung v. Apple; AvSSNDCPostTrial; 'WHAppleSamsungNDCalService@wilmerhale.com'  
**Subject:** RE: Motion for Injunction

Rob – We would be fine with a shorter stipulation that deletes the following text:

WHEREAS, Apple filed declarations of Dr. Karan Singh, Dr. John Hauser, and Marylee Robinson in connection with its reply briefs in support of Apple's Motion for a Permanent Injunction and Damages Enhancement and Apple's Motion for Judgment as a Matter of Law, New Trial and Amended Judgment (Dkt. Nos. 2127-03, 2129, 2130);

WHEREAS, Apple has recently announced an agreement with HTC to license certain patents;

WHEREAS, Samsung has informed Apple that it intends to file motions on November 16, 2012 by noon seeking an order compelling the depositions of Dr. Singh, Dr. Hauser, and Ms. Robinson by November 27, 2012, each to last not longer than three hours, compelling production of Apple's recent license agreement with HTC by November 27, 2012, and seeking leave to submit a supplemental memorandum of not more than 5 pages addressing any discovery provided in response to its motions by no later than November 30, 2012.

WHEREAS, the parties have agreed to a shortened schedule to brief Samsung's motions;  
NOW THEREFORE,

Richard S.J. Hung  
Morrison & Foerster LLP  
[rhung@mofo.com](mailto:rhung@mofo.com)  
(415) 268-7602

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**From:** Robert Becher [<mailto:robertbecher@quinnemanuel.com>]  
**Sent:** Friday, November 16, 2012 9:02 AM  
**To:** Hung, Richard S. J.  
**Cc:** Samsung v. Apple; AvSSNDCPostTrial; 'WHAppleSamsungNDCalService@wilmerhale.com'  
**Subject:** RE: Motion for Injunction

Rich—

Thank you. Attached is a stipulation for your review. As you will see, we intend to file two motions--one to compel the HTC settlement and one to compel the depositions. Given the noon deadline for filing our briefs, please get back to me by 10 a.m. with any comments on the stipulation.

Regards,

Rob

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**From:** Hung, Richard S. J. [<mailto:RHung@mofo.com>]  
**Sent:** Thursday, November 15, 2012 5:52 PM  
**To:** Robert Becher  
**Cc:** Samsung v. Apple; AvSSNDCPostTrial; 'WHAppleSamsungNDCalService@wilmerhale.com'  
**Subject:** RE: Motion for Injunction

Rob –

This is fine.

Rich

Richard S.J. Hung  
Morrison & Foerster LLP  
[rhung@mofo.com](mailto:rhung@mofo.com)  
(415) 268-7602

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**From:** Robert Becher [<mailto:robertbecher@quinnemanuel.com>]  
**Sent:** Thursday, November 15, 2012 12:14 PM  
**To:** Hung, Richard S. J.  
**Cc:** Samsung v. Apple; AvSSNDCPostTrial; 'WHAppleSamsungNDCalService@wilmerhale.com'  
**Subject:** RE: Motion for Injunction

Rich—

We have decided to postpone the filing of this motion to allow some more time to try to resolve the issue of the HTC license. We propose to file our motion tomorrow by noon and propose that Apple will have an additional day to file its opposition. As a result, Apple's opposition would be due by November 20, 2012. Please let me know if Apple agrees to this schedule. Please also let me know when Apple expects to hear back from HTC.

Regards,  
Rob

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**From:** Hung, Richard S. J. [<mailto:RHung@mofo.com>]  
**Sent:** Thursday, November 15, 2012 11:08 AM

**To:** Robert Becher  
**Cc:** Samsung v. Apple; AvSSNDCPostTrial; 'WHAppleSamsungNDCalService@wilmerhale.com'  
**Subject:** RE: Motion for Injunction

Hi Rob,

I do not anticipate that we will have an answer before your noon filing.

Rich

Richard S.J. Hung  
Morrison & Foerster LLP  
[rhung@mofo.com](mailto:rhung@mofo.com)  
(415) 268-7602

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**From:** Robert Becher [<mailto:robertbecher@quinnemanuel.com>]  
**Sent:** Thursday, November 15, 2012 9:17 AM  
**To:** Hung, Richard S. J.  
**Cc:** Samsung v. Apple; AvSSNDCPostTrial; 'WHAppleSamsungNDCalService@wilmerhale.com'  
**Subject:** RE: Motion for Injunction

Rich—

When do you expect to have a response on the request for the HTC license? Please let me know.

Thanks, Rob

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**From:** Hung, Richard S. J. [<mailto:RHung@mofo.com>]  
**Sent:** Wednesday, November 14, 2012 2:30 PM  
**To:** Robert Becher  
**Cc:** Samsung v. Apple; AvSSNDCPostTrial; 'WHAppleSamsungNDCalService@wilmerhale.com'  
**Subject:** RE: Motion for Injunction

Hi Rob,

The timeline you propose below (11/15 at noon for opening; 11/19 for opposition; no reply and submitted on papers) is fine.

We will be producing the backup material for paragraph 29.

Rich

Richard S.J. Hung  
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[rhung@mofo.com](mailto:rhung@mofo.com)  
(415) 268-7602

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**From:** Robert Becher [<mailto:robertbecher@quinnemanuel.com>]  
**Sent:** Wednesday, November 14, 2012 2:04 PM  
**To:** Hung, Richard S. J.  
**Cc:** Samsung v. Apple; AvSSNDCPostTrial; 'WHAppleSamsungNDCalService@wilmerhale.com'  
**Subject:** RE: Motion for Injunction

Rich,

We would be willing to agree to accommodate Apple's request to file its opposition on November 19 and to forego a reply brief provided that Apple agrees that Samsung can file its moving papers by noon tomorrow--November 15, 2012. Please get back to me by 3 p.m. regarding this proposal.

Also, please confirm that Apple is not willing to produce the backup material for paragraph 29 of Dr. Hauser's reply declaration. And please let us know as soon as you hear back from HTC.

Regards, Rob

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**From:** Hung, Richard S. J. [<mailto:RHung@mofo.com>]  
**Sent:** Wednesday, November 14, 2012 12:44 PM  
**To:** Robert Becher  
**Cc:** Samsung v. Apple; AvSSNDCPostTrial; 'WHAppleSamsungNDCalService@wilmerhale.com'  
**Subject:** RE: Motion for Injunction

Rob –

Thanks for your patience. To respond with Apple's position:

Samsung's requests for further discovery and briefing are improper. The record for Apple's permanent injunction motion is closed. Moreover, the Court previously set the briefing limits and denied Apple's request (to which Samsung objected) to enlarge them. Samsung thus is not entitled to a sur-reply.

As a courtesy, Apple will provide the backup materials to Exhibit E to Dr. Hauser's reply declaration. Apple continues to consider Samsung's request for the HTC agreement, but notes that it will need to seek HTC's consent to produce the agreement. As for additional deposition time, Apple does not agree to this request.

In terms of a briefing schedule, please confirm that Samsung will not file a reply. We agree to the schedule, except that we propose Monday, November 19 for our opposition instead.

Rich

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(415) 268-7602

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**From:** Robert Becher [<mailto:robertbecher@quinnemanuel.com>]  
**Sent:** Wednesday, November 14, 2012 8:37 AM  
**To:** Robert Becher; Hung, Richard S. J.  
**Cc:** Samsung v. Apple; AvSSNDCPostTrial; 'WHAppleSamsungNDCalService@wilmerhale.com'  
**Subject:** RE: Motion for Injunction

Rich,

Given the need to have the issues raised in my email resolved far in advance of the upcoming December 6 hearing, we will propose the following briefing schedule to the Court so a motion to compel can be heard on shortened time:

Samsung's opening brief: November 14  
Apple's opposition brief: November 16  
No hearing/submission on the papers

Please confirm whether Apple agrees to this schedule. And, of course, please let me know if Apple is willing to agree to any of Samsung's requests.

Regards,  
Rob

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**From:** Robert Becher  
**Sent:** Tuesday, November 13, 2012 4:19 PM  
**To:** 'Hung, Richard S. J.'  
**Cc:** Samsung v. Apple; 'AvSSNDCPostTrial'; 'WHAAppleSamsungNDCalService@wilmerhale.com'  
**Subject:** RE: Motion for Injunction

Rich—

I am checking in to see if you have a response.

Thanks, Rob

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**From:** Hung, Richard S. J. [<mailto:RHung@mofo.com>]  
**Sent:** Monday, November 12, 2012 5:27 PM  
**To:** Robert Becher  
**Cc:** Samsung v. Apple; AvSSNDCPostTrial; 'WHAAppleSamsungNDCalService@wilmerhale.com'  
**Subject:** RE: Motion for Injunction

Rob –

We are considering Samsung's requests, but will not be able to respond today on such short notice.

Rich

Richard S.J. Hung  
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[rhung@mofo.com](mailto:rhung@mofo.com)  
(415) 268-7602

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**From:** Robert Becher [<mailto:robertbecher@quinnemanuel.com>]  
**Sent:** Monday, November 12, 2012 2:32 PM  
**To:** Hung, Richard S. J.  
**Cc:** Samsung v. Apple; AvSSNDCPostTrial; 'WHAAppleSamsungNDCalService@wilmerhale.com'  
**Subject:** Motion for Injunction

Dear Rich:

Apple's Reply in Support of its Motion for Permanent Injunction and for Damages Enhancements relies on declarations from three of its experts that raise new issues Samsung has not had the opportunity to test. Dr. Singh's declaration raises an entirely new theory of infringement of the '915 patent to support its claim that Samsung's design-around continues to infringe. Dr. Hauser, whose declaration Apple chose not to submit with its moving papers, has now submitted what amounts to a 19-page supplemental report addressing his conjoint study. And Marylee Robinson has supplemented her prior declaration with numerous additional opinions and entirely new calculations that Samsung would have questioned her on during her recent deposition had they been disclosed in a timely manner.

Accordingly, consistent with the rationale behind the Court's recent ruling granting Apple's request for post-trial depositions, Samsung requests an opportunity to depose each of these witnesses, limited to 3 hours, and to submit a

supplemental opposition not to exceed 5 pages addressing their supplemental testimony and its impact on the issues raised in the parties' briefs.

In addition, Samsung requests the backup material for Exhibit E to Dr. Hauser's reply declaration and paragraph 29 of Dr. Hauser's reply declaration. Because Exhibit E and paragraph 29 reflect new work performed by Dr. Hauser, Samsung is entitled to receive the supporting materials.

Finally, we request that Apple produce its recent license with HTC, which likely covers at least the '381 and '915 patents at issue in this case based on the fact that these two patents were at issue between Apple and HTC. As you know, the issue of Apple's willingness to license its patents was briefed in Samsung's Opposition to Apple's Motion for Permanent Injunction. This license has direct bearing on the question of irreparable harm and whether monetary remedies are adequate. The HTC license bears directly on Apple's assertion in its reply brief that "Apple considers these patents 'unique to its user experience' and unavailable for licensing, particularly to competitors." Reply at 7:21-22.

Please let me know by close of business today whether Apple will consent to these requests, as Samsung will otherwise bring a motion to compel.

Regards,  
Rob

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