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13 Attorneys for SAMSUNG ELECTRONICS  
 CO., LTD., SAMSUNG ELECTRONICS  
 14 AMERICA, INC. and SAMSUNG  
 TELECOMMUNICATIONS AMERICA, LLC  
 15

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

18 APPLE INC., a California corporation,

CASE NO. 11-cv-01846-LHK

19 Plaintiff,

20 vs.

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

**SAMSUNG'S CIVIL L.R. 3-12(b)  
 MOTION TO CONSIDER WHETHER  
 CASES SHOULD BE RELATED**

24 Defendants.  
 25

1 Pursuant to Local Rule 3-12(b), Samsung Electronics Co., Ltd., Samsung Electronics  
2 America, Inc. and Samsung Telecommunications America, LLC (individually and collectively  
3 “Samsung”) move this Court to have Samsung Electronics Co., Ltd. and Samsung  
4 Telecommunications America, LLC v. Apple Inc., Case No. 11-cv-02079-EDL, considered related  
5 to and consolidated with this case. In support of this motion, Samsung states as follows:

6 I. **The Title and Case Number of Each Apparently Related Case**

- 7 1. Apple Inc. v. Samsung Electronics Co., Ltd., Samsung Electronics America, Inc. and  
8 Samsung Telecommunications America, LLC, Case No. 11-cv-01846-LHK (“the Apple  
9 Action”).
- 10 2. Samsung Electronics Co., Ltd. and Samsung Telecommunications America, LLC v. Apple,  
11 Inc., Case No. 11-cv-02079-EDL (“the Samsung Action”).

12 II. **Brief Statement of the Relationship of the Actions**

13 Apple and Samsung each have sued the other in this district on intellectual property claims.  
14 The accused products in both cases are smartphones and tablet computers. Apple filed the first  
15 case over such products. Following its pattern of suing other makers of Android-based  
16 smartphones, which compete in the market with Apple’s iPhone, Apple filed a complaint against  
17 Samsung on April 15. Apple asserted a multitude of claims, alleging that numerous (15)  
18 Samsung products infringe several Apple utility and design patents, trademarks and trade dress.  
19 (D.N. 1.) Apple claims that it filed suit to protect the designs and technology that it claims are  
20 embodied in, inter alia, the iPhone and iPad.

21 On April 27, Samsung, the first company to introduce a multi-function smartphone, in  
22 1999, that provided both internet access and personal digital assistant features, filed suit against  
23 Apple for infringement of 10 Samsung patents. (Case No. 11-cv-02079-EDL, D.N. 1.) These  
24 patents cover fundamental innovations that increase mobile device reliability, efficiency, and  
25 quality, and improve user interface in mobile handsets and other products. Samsung filed this  
26 suit in order to stop Apple’s willful infringement of these fundamental patents by Apple’s iPhone  
27 and iPad products.

1 The Apple Action and the Samsung Action involve substantially the same parties, with the  
2 exception that Samsung Electronics America, Inc. is not a party to the Samsung Action. Both  
3 cases involve substantially the same property: Apple’s iPhone and iPad products and Samsung's  
4 smartphones and tablet computers.

5 There is also substantial overlap in the patents at issue in both cases. All of the patents  
6 asserted by Apple and all of the patents asserted by Samsung relate to mobile computing devices.  
7 Furthermore, the subject matter of six of the seven patents asserted by Apple directly overlaps  
8 with the subject matter in several patents asserted by Samsung.

9 Three patents asserted by Apple relate to the display of information on a screen: U.S.  
10 Patent No. 7,853,891 titled “Method and Apparatus for *Displaying a Window for a User*  
11 *Interface*,” U.S. Patent No. 6,493,002 titled “Method and Apparatus for *Displaying and*  
12 *Accessing Control and Status Information* in a Computer System,” U.S. Patent No. 7,669,134  
13 titled “Method and Apparatus for *Displaying Information* During an Instant Messaging Session.”  
14 Similarly, Samsung has asserted two patents covering similar subject matter: U.S. Patent No.  
15 7,069,055 titled “Mobile Telephone Capable of *Displaying World Time and Method for*  
16 *Controlling the Same*.” U.S. Patent No. 7,009,626 titled “Systems and Methods for *Generating*  
17 *Visual Representations of Graphical Data and Digital Document Processing*.”<sup>1</sup>

18 Three other patents asserted by Apple relate to touch screens: U.S. Patent No. 7,469,381  
19 titled “List Scrolling and Document Translation, Scaling, and Rotation on a *Touch-Screen*  
20 *Display*,” U.S. Patent No. 7,812,828 titled “Ellipse Fitting for *Multi-Touch Surfaces*,” U.S.  
21 Patent No. 7,844,915 titled “Application Programming Interfaces for Scrolling Operations.”<sup>2</sup>  
22 Likewise, Samsung has asserted a patent relating to touch screens: U.S. Patent No. 6,292,179  
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25 <sup>1</sup> Claim 1 of the ‘626 patent recites “A method of redrawing a *visual display* of graphical  
26 data whereby a *current display* of the graphical data is replaced by an *updated display* of the  
graphical data, comprising . . . .”

27 <sup>2</sup> Claim 1 of the ’915 patent is directed to “A machine implemented method for scrolling on  
28 a *touch-sensitive display* of a device comprising . . . .”

1 titled “Software Keyboard System Using Trace of Stylus on a *Touch Screen* and Method for  
2 Recognizing Key Code Using the Same.”

3           Because the actions involve nearly identical parties, the same products, and overlapping  
4 patents, conducting the Apple and Samsung Actions before different judges in the same district  
5 will result in an unduly burdensome duplication of labor and expense and a waste of judicial  
6 resources. Discovery in each action is likely to overlap, particularly given the overlap in  
7 products. Further, it would be inefficient to require more than one judge to become intimately  
8 familiar with the same highly complex wireless devices. Moreover, conducting both Actions in  
9 front of one judge also would preclude inconsistent findings and assist the Court in making  
10 equitable determinations because the Court would be more knowledgeable of the parties’ larger  
11 relationship and claims against each other concerning the same products.

12           Accordingly, Samsung requests that the Court order that the Apple Action and the  
13 Samsung Action are considered related and consolidated.

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