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 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,

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,

24 Defendants.  
 25

CASE NO. 11-cv-01846-LHK

**SAMSUNG'S ADMINISTRATIVE  
 MOTION TO EXCEED PAGE LIMIT IN  
 SAMSUNG'S RESPONSIVE CLAIM  
 CONSTRUCTION BRIEF**

1 In accordance with Northern District of California Civil L. R. 7-11, Samsung Electronics  
2 Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC  
3 (collectively “Samsung”) respectfully move the Court for leave to exceed the page limit under  
4 Civil L. R. 7-4(b) for Samsung’s Responsive Claim Construction Brief (“Response Brief”). This  
5 Response Brief is due on December 22, 2011.

6 Pursuant to the Court’s Case Management Order of August 25, 2011 and Patent Local Rule  
7 4-3, the parties selected 5 terms each for claim construction by the Court. Samsung selected 5  
8 terms from Apple’s patents, while Apple selected 3 terms from its own patents and 2 terms from  
9 Samsung patents. This resulted in a total of 8 Apple patent terms and 2 Samsung patent terms for  
10 construction.

11 Under Civil Local Rule 7-3 and Patent Local Rule 4-5, Samsung has a total of 40 pages  
12 (25 page opening and 15 page reply briefs) and Apple has a total of 25 pages (25 page response  
13 brief) to address the 2 Samsung patent terms. On the other hand, Apple has a total of 40 pages  
14 (25 page opening and 15 page reply briefs) and Samsung has a total of 25 pages (25 page response  
15 brief) to address the 8 Apple patent terms. This distribution gives Samsung an average of 20  
16 pages to discuss each of the terms from its own patents and slightly over 3 pages total to discuss  
17 each of the terms from Apple's patents. The severe imbalance in this distribution curtails  
18 Samsung’s ability to discuss the Apple claim terms at issue.

19 Samsung seeks leave to correct this imbalance by exceeding the 25 page limit for its  
20 Response Brief. Any pages in excess of the 25 page limit would be deducted from Samsung’s  
21 opening and reply brief such that Samsung would only file a maximum of 65 pages for claim  
22 construction – thus, the parties would still have an equal amount of briefing and Samsung would  
23 have the same total number of pages it is currently allowed under the local rules.

24 On November 27, Samsung sought a stipulation regarding the distribution of page limits to  
25 allow both parties to allocate their 65 total pages as necessary. Declaration of Todd Briggs in  
26 Support of Samsung’s Administrative Motion to File Excess Pages, Ex. 1. Samsung followed up  
27 on November 29, seeking a response. *Id.* On December 1, Apple responded stating, “We’ll get  
28 back to you [Samsung] as soon as possible on your page limits proposal.” *Id.* However, Apple

1 waited until December 7, the day before opening claim construction briefs were due, to reject  
2 Samsung's proposed stipulation. *Id.* Apple thereby gave Samsung little time to seek additional  
3 pages of briefing prior to the parties submitting their opening claim construction briefs.

4 The next day, Samsung sought a stipulation to allow Samsung to file additional pages for  
5 its response brief. *Id.*, Ex. 2. Apple refused and offered Samsung no alternative proposal. *Id.*  
6 Thus, Samsung seeks leave from the Court to allocate additional pages from its opening and reply  
7 brief to its Response Brief, to allow for a more balanced discussion of the 8 Apple patent terms.

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9 DATED: December 12, 2011

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

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By /s/ Todd M. Briggs

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