Apple Inc. v. Samsung Electronics Co. Ltd. et al
Doc. 57 Att. 1

Exhibit 12

Dockets.Justia.com

MORRISON | FOERSTER

425 MARKET STREET
SAN FRANCISCO
CALIFORNIA 94105-2482

TELEPHONE: 415.268.7000
FACSIMILE: 415.268.7522

WWW.MOFO.COM

MORRISON & FOERSTER LLP

NEW YORK, SAN FRANCISCO,
LOS ANGELES, PALO ALTO,
SACRAMENTO, SAN DIEGO,
DENVER, NORTHERN VIRGINIA,
WASHINGTON, D.C.

TOKYO, LONDON, BRUSSELS,
BEIJING, SHANGHAI, HONG KONG

Writer's Direct Contact
415.268.6615
JasonBartlett@mofo.com

May 20, 2011

Via E-Mail

Victoria F. Maroulis
Quinn Emanuel
555 Twin Dolphin Drive, 5th Floor
Redwood Shores, CA 94065-2139

Re: *Apple Inc. v. Samsung Electronics Co., et al*.
Case No. 11-cv-1846-LHK

Dear Victoria:

This responds to your letter of May 16. As stated at the May 12 hearing, Apple is prepared to engage in discovery on a reciprocal basis in the event that Apple moves for a preliminary injunction. However, such discovery should be directed to issues relevant to the motion.

This lawsuit is about Samsung's unlawful copying of Apple's trademarks, trade dress, design and utility patents. This valuable intellectual property is embodied in products that Apple has currently in the market. A preliminary injunction motion will be based on Apple's current intellectual property rights, not on future products. Because Apple's future products have no relevance to a preliminary injunction motion, we reject your request that Apple provide samples of such future products.

Nevertheless, we are open to discussing with you now the schedule and scope of expedited bilateral discovery upon the filing of a preliminary injunction motion. In particular, we are prepared to discuss the requests Samsung made during the May 12 hearing for expedited production of documents relating to confusion, goodwill, and market share, as well as related requests by Apple.

Please let me know if you would like to set up a call to discuss this subject.

Sincerely,

Jason R. Bartlett