

Exhibit J

Hung, Richard S. J.

From: Hung, Richard S. J.
Sent: Thursday, February 02, 2012 10:19 PM
To: Todd Briggs; 'Victoria Maroulis'
Cc: Jacobs, Michael A.; Mark.Selwyn@wilmerhale.com; Monach, Andrew E.; Ow, Eric W
Subject: Apple v. Samsung -- Revised New Products Stipulation
Attachments: SAN FRANCISCO-#3101227-v9-120202_New_Products_Stipulation.DOC;
WS_BinaryComparison_SAN FRANCISCO-#3101227-v8-
120202_New_Products_Stipulation-SAN FRANCISCO-#3101227-v9-
120202_New_Products_Stipulation.doc

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Todd --

Here you go. Attached is a draft deleting "substantially" from both parties' sections, as discussed. It includes our revised proposal re: additional discovery (to replace our prior "good cause" language). I think that the latter point is the only (but significant) point on which we disagree.

Please let me know your thoughts.

Rich

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

APPLE INC.,

Plaintiff,

v.

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

Defendants.

Case No. 11-cv-01846-LHK

**STIPULATION AND
[PROPOSED] ORDER
REGARDING ADDING
ACCUSED PRODUCTS**

Plaintiff Apple Inc. (“Apple”) and Defendants Samsung Electronics Co. Ltd., Samsung
Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively,
“Samsung”), stipulate as follows:

On August 26, 2011, Apple served its Disclosure of Asserted Claims and Infringement
Contentions, as well as an addendum thereto, in accordance with Patent Local Rule 3-1. On

1 September 7, 2011, Samsung served its Disclosure of Asserted Claims and Infringement
2 Contentions, also in accordance with Patent Local Rule 3-1.

3 Since then, both Apple and Samsung have released new products. The parties discussed a
4 stipulated addition of Apple's iPhone 4S as an Accused Instrumentality and addition or
5 clarification of eighteen Samsung products as Accused Instrumentalities, but reached an impasse.
6 Samsung then moved for leave to amend its infringement contentions to add the iPhone 4S. At
7 the Court's suggestion, the parties further conferred and have entered into a stipulation regarding
8 the addition of the below products. The parties expressly reserve all rights to assert any
9 additional claims against any products outside this above captioned litigation.

10 The parties agree that Apple may add or clarify as Accused Instrumentalities in this
11 action, without adding patents-in-suit or asserting infringement of any claims of the patents-in
12 suit that were not asserted in Apple's initial Infringement Contentions, the Galaxy Nexus, Galaxy
13 S II Skyrocket, Galaxy S II Epic 4G Touch, Galaxy Tab 7.0 Plus, Galaxy Tab 8.9, Gravity Smart,
14 and Showcase i500. Apple further agrees that its theories of infringement against the Galaxy S II
15 Skyrocket, Galaxy S II Epic 4G Touch, Galaxy Tab 7.0 Plus, Galaxy Tab 8.9, Gravity Smart, and
16 Showcase i500 will not change ~~substantially~~ from the theories of infringement for related
17 products that Apple asserted in its August 26, 2011 infringement contentions. Apple shall serve
18 Amended Supplemental Infringement Contentions under Patent Local Rule 3-1 for these
19 additional Accused Instrumentalities within five days of the Court's entry of an Order
20 implementing this Stipulation. Samsung shall comply with Patent Local Rule 3-4(a) with respect
21 to these additional Accused Instrumentalities within ten days of Apple's service of its
22 Supplemental Infringement Contentions.

23 The parties agree that Samsung may add as an Accused Instrumentality in this action,
24 without adding patents-in-suit or asserting infringement of any claims of the patents-in suit that
25 were not asserted in Samsung's initial Infringement Contentions, the Apple iPhone 4S. Samsung
26 further agrees that its theories of infringement against the iPhone 4S will not change from the
27 theories of infringement Samsung asserted in the draft supplemental infringement contentions for
28 three of Samsung's asserted patents that it provided to Apple on January 4, 2012 and will not

1 change ~~substantially~~ from the theories of infringement for related products that Samsung asserted
2 in its September 7, 2011 infringement contentions for the other nine Samsung asserted patents.
3 Samsung shall serve Amended Supplemental Infringement Contentions under Patent Local Rule
4 3-1 for this additional Accused Instrumentality within five days of the Court's entry of an Order
5 implementing this Stipulation. Apple shall comply with Patent Local Rule 3-4(a) with respect to
6 this additional Accused Instrumentality within ten days of Samsung's service of its Supplemental
7 Infringement Contentions.

8 The addition of these Accused Instrumentalities does not constitute grounds for
9 Supplemental Invalidity Contentions under Patent Local Rule 3-3, the addition of proposed terms
10 for construction under Patent Local Rule 4-~~2~~2, or discovery that is not reasonably and directly
11 necessitated by the addition of these instrumentalities (such as the re-taking of any depositions).
12 Neither party will argue that the addition of these Accused Instrumentalities to this lawsuit is
13 untimely or constitutes an admission that they infringe.

14 The service of the aforementioned Supplemental Infringement Contentions shall not affect
15 the total number of claim terms to be construed and shall not change any dates as set forth in the
16 Court's August 25, 2011 Case Management Order, including the trial date. The parties agree to
17 supplement their discovery to account for these new products within twenty one days.

18 So Stipulated:
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Dated: January _____, 2012

Dated January _____, 2012

MORRISON & FOERSTER LLP

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By: _____
HAROLD J. MCELHINNY
MICHAEL A. JACOBS
JENNIFER LEE TAYLOR
ALISON M. TUCHER
RICHARD S.J. HUNG
JASON R. BARTLETT

By: _____
CHARLES K. VERHOEVEN
KEVIN P.B. JOHNSON
VICTORIA F. MAROULIS
EDWARD DEFRANCO
MICHAEL T. ZELLER

Attorneys for Plaintiff
APPLE INC.

Attorneys for SAMSUNG ELECTRONICS
CO. LTD, SAMSUNG ELECTRONICS
AMERICA, INC., AND SAMSUNG
TELECOMMUNICATIONS AMERICA,
LLC.

IT IS SO ORDERED.

Dated: _____, 2012

By: _____

Honorable Lucy H. Koh

Document comparison by Workshare Professional on Thursday, February 02, 2012 10:18:00 PM

Input:	
Document 1 ID	PowerDocs://SAN FRANCISCO/3101227/8
Description	SAN FRANCISCO-#3101227-v8-120202_New_Products_Stipulation
Document 2 ID	PowerDocs://SAN FRANCISCO/3101227/9
Description	SAN FRANCISCO-#3101227-v9-120202_New_Products_Stipulation
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17 Dated: January _____, 2012

Dated January _____, 2012

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QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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21 By: _____

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ALISON M. TUCHER
RICHARD S.J. HUNG
JASON R. BARTLETT

25 Attorneys for Plaintiff
26 APPLE INC.

By: _____

CHARLES K. VERHOEVEN
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VICTORIA F. MAROULIS
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CO. LTD, SAMSUNG ELECTRONICS
AMERICA, INC., AND SAMSUNG
TELECOMMUNICATIONS AMERICA,
LLC.

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Dated: _____, 2012

By: _____

Honorable Lucy H. Koh