1 [COUNSEL LISTED ON SIGNATURE PAGES] 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF CALIFORNIA 10 SAN JOSE DIVISION 11 APPLE INC., a California corporation, CASE NO. 5:12-cv-00630-LHK 12 Plaintiff, JOINT SUBMISSION REGARDING THE SAMSUNG GALAXY S III 13 V. 14 SAMSUNG ELECTRONICS CO., LTD., a Korean corporation; SAMSUNG 15 ELECTRONICS AMERICA, INC., a New York corporation; and SAMSUNG 16 TELECOMMUNICATIONS AMERICA, LLC, a Delaware limited liability company, 17 Defendants. 18 19 SAMSUNG ELECTRONICS CO., LTD., a Korean corporation; SAMSUNG 20 ELECTRONICS AMERICA, INC., a New York corporation, and SAMSUNG 21 TELECOMMUNICATIONS AMERICA, LLC, a Delaware limited liability company, 22 Counterclaim-Plaintiffs, 23 V. 24 APPLE INC., a California corporation, 25 Counterclaim-Defendant. 26 27 28 02198.51981/4803067.1 Gibson, Dunn & Crutcher LLP JOINT SUBMISSION REGARDING THE GALAXY S III CASE NO. 5:12-cv-00630-LHK

е

0

0

Gibson, Dunn &

STIPULATION AND [PROPOSED] ORDER REGARDING PROCEDURE COVERING THE SAMSUNG GALAXY S III

Pursuant to this Court's instructions during the June 7, 2012 hearing regarding Apple Inc.'s Motion for Preliminary Injunction, Plaintiff and Counterclaim-Defendant Apple Inc. ("Apple") and Defendants and Counterclaim-Plaintiffs Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively, "Samsung") have met and conferred regarding a procedure covering the Samsung Galaxy S III. The parties accordingly submit the following proposal.

IT IS HEREBY STIPULATED AND AGREED by the parties that:

- A. By Tuesday, June 12, 2012, Samsung shall identify whether it contends that the accused features (Android Browser and Quick Search Box) of the Galaxy S III are more than colorably different from the comparable features of the Galaxy Nexus. If Samsung does contend that there are such differences, Samsung will identify the relevant differences between the respective features, as well as any additional non-infringement arguments related to such differences that Samsung contends exist. Such differences shall be described specifically and with sufficient explanation to provide the Court and Apple adequate basis to evaluate the alleged differences. If Samsung does contend that there are such differences, Samsung also agrees to produce the source code implemented on the Samsung Galaxy S III relating to the accused features as soon as possible, and to make its best efforts, which efforts shall start immediately, to produce such source code by no later than Thursday, June 14, 2012.
- B. Within 3 days of Samsung's statement described in paragraph (A), the parties shall meet and confer to determine what additional discovery and briefing regarding the Samsung Galaxy S III may be required, if any, and the amount, timing, and exact nature of any such discovery and briefing.

1	Dated: June 8, 2012	JOSH A. KREVITT (CA SBN 208552)
2		jkrevitt@gibsondunn.com H. MARK LYON (CA SBN 162061)
3		mlyon@gibsondunn.com GIBSON, DUNN & CRUTCHER LLP
4		1881 Page Mill Road
5		Palo Alto, CA 94304-1211 Telephone: (650) 849-5300
6		Facsimile: (650) 849-5333
7		MICHAEL A. JACOBS (CA SBN 111664)
8		mjacobs@mofo.com RICHARD S.J. HUNG (CA SBN 197425)
		rhung@mofo.com
9		MORRISON & FOERSTER LLP
10		425 Market Street
1.1		San Francisco, California 94105-2482 Telephone: (415) 268-7000
11		Facsimile: (415) 268-7522
12		`
13		WILLIAM F. LEE (<i>pro hac vice</i>) william.lee@wilmerhale.com
13		WILMER CUTLER PICKERING
14		HALE AND DORR LLP
15		60 State Street Boston, Massachusetts 02109
13		Telephone: (617) 526-6000
16		Facsimile: (617) 526-5000
17		MARK D. SELWYN (CA SBN 244180)
18		mark.selwyn@wilmerhale.com
		WILMER CUTLER PICKERING HALE AND DORR LLP
19		950 Page Mill Road
20		Palo Alto, CA 94304
21		Telephone: (650) 858-6000
21		Facsimile: (650) 858-6100
22		
23		
24		By: /s/ H. Mark Lyon
25		H. Mark Lyon
26		Attorney for Plaintiff APPLE INC.
27		
28		
-		

Gibson, Dunn & Crutcher LLP

1	
2	Charles K. Verhoeven (Bar No. 170151)
	charlesverhoeven@quinnemanuel.com
3	Kevin A. Smith (Bar No. 250814)
4	kevinsmith@quinnemanuel.com
7	50 California Street, 22nd Floor
5	San Francisco, California 94111
-	Telephone: (415) 875-6600
6	Facsimile: (415) 875-6700
7	Kevin P.B. Johnson (Bar No. 177129 (CA);
'	2542082 (NY))
8	kevinjohnson@quinnemanuel.com
	Victoria F. Maroulis (Bar No. 202603)
9	victoriamaroulis@quinnemanuel.com 555 Twin Dolphin Drive, 5th Floor
10	Redwood Shores, California 94065
10	Telephone: (650) 801-5000
11	Facsimile: (650) 801-5100
10	William C. Price (Bar No. 108542)
12	williamprice@quinnemanuel.com
13	Patrick M. Shields (Bar No. 204739)
	patrickshields@quinnemanuel.com
14	QUINN EMANUEL URQUHART & SULLIVAN LLP
1.5	865 South Figueroa Street, 10th Floor
15	Los Angeles, California 90017-2543
16	Telephone: (213) 443-3000
	Facsimile: (213) 443-3100
17	John Caracappa (<i>pro hac vice</i>)
18	jcaracappa@steptoe.com
10	STEPTOE & JOHNSON, LLP
19	1330 Connecticut Avenue, NW
	Washington, D.C. 20036
20	Telephone: (202) 429-6267
21	Facsimile: (202) 429-3902
_	
22	
22	By: /s/ Patrick M. Shields (with permission)
23	· · · · · · · · · · · · · · · · · · ·
24	Detrials M. Chielde
	Patrick M. Shields Attorney for Defendants
25	SAMSUNG ELECTRONICS CO., LTD., SAMSUNG
26	ELECTRONICS AMERICA, INC., AND SAMSUNG
20	TELECOMMUNICATIONSAMERICA, LLC
27	
20	
28	

Gibson, Dunn & Crutcher LLP 4

ATTESTATION OF E-FILED SIGNATURES I, H. Mark Lyon, am the ECF user whose ID and password are being used to file this Joint Case Management Conference Statement. In compliance with General Order 45.X.B, I hereby attest that Patrick M. Shields has concurred in this filing. Dated: June 8, 2012 By: /s/H. Mark Lyon H. Mark Lyon

Gibson, Dunn &

Crutcher LLP

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Civil Local Rule 5.4, and will be served upon all counsel of record for the parties who have consented to electronic service in accordance with Civil Local Rule 5.4 via the Court's ECF system.

Dated: June 8, 2012 By: /s/H. Mark Lyon

H. Mark Lyon

Gibson, Dunn & Crutcher LLP