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

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

19
20 APPLE INC., a California corporation,

21 Plaintiff,

22 vs.

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

26 Defendant.
27

CASE NO. 11-cv-01846-LHK

**SAMSUNG'S RESPONSE TO APPLE'S
STATEMENT REGARDING JURY
INSTRUCTIONS**

1 Samsung disagrees with Apple's rendition of events regarding jury instructions. Over the
2 past week, the parties have been diligently working together in an attempt to resolve their
3 differences on jury instructions and reduce the number of disputes for the Court to resolve.
4 (Watson Decl. ¶ 2.) Samsung, in particular, has agreed to more than twenty revised instructions
5 proposed by Apple and is continuing to review Apple's remaining disputed instructions for any
6 common ground. (*Id.*) Indeed, Mr. Watson's email attached as Exhibit D to the Pernick
7 declaration is just one example of Samsung's efforts to find agreement. (Dkt. No. 116-5.) By
8 contrast, Apple has agreed to only two complete instructions drafted solely by Samsung, and one
9 was a simple instruction based on Ninth Circuit Model Instruction No. 1.5. (Watson Decl. ¶ 2.)

10 Counsel for Apple told Samsung it experienced technical difficulties today with the
11 document containing the parties' disputed jury instructions. (Watson Decl. ¶ 3.) Samsung still
12 has not received from Apple the native version of the joint set of disputed instructions that Apple
13 undertook to prepare as part of the submission. (*Id.*) Without a native version, Samsung is unable
14 to make edits and changes to the disputed jury instructions. (*Id.*) Samsung only received a PDF
15 version of the joint set of disputed instructions at 9:40 p.m. this evening. (*Id.* at ¶4.) Because
16 Apple had not provided a joint draft of the jury instructions by the time court concluded for the
17 day, Samsung proposed to have an interim meeting late tonight and to have the final lead counsel
18 meeting over the weekend to submit the joint set shortly thereafter. (*Id.*) Samsung respectfully
19 requests that the parties be given another 24-48 hours to complete their negotiations and provide a
20 clean set of instruction to the Court before Monday morning.

21 DATED: August 10, 2012

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

22
23
24 By /s/ Victoria F. Maroulis

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