

IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

APPLE INC.,)

Plaintiff-Appellant,)

v.)

SAMSUNG ELECTRONICS CO.,)
LTD., SAMSUNG ELECTRONICS)
AMERICA, INC., and SAMSUNG)
TELECOMMUNICATIONS AMERICA, LLC,)

Defendants-Cross-Appellants.)

Nos. 2012-1600, -1606

RENEWED JOINT MOTION OF AMICI CURIAE
FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT
AND REQUEST FOR EXPEDITED CONSIDERATION

Pursuant to Rule 29(g) of the Federal Rules of Appellate Procedure, *amici curiae* the First Amendment Coalition (the “Coalition”) and the Reporters Committee for Freedom of the Press, joined by the American Society of News Editors, Bloomberg L.P., Dow Jones & Company Inc., Ganett Co. Inc., The New York Times Company, Society of Professional Journalists, and the Washington Post (collectively, the “Reporters Committee,” and, together with the Coalition, “Amici”) renew their motion for leave to participate in oral argument in the above-

captioned case. Additionally, Amici request expedited consideration of this motion pursuant to Rule 2 of the Federal Rules of Appellate Procedure.

Amici filed their original motion for leave to participate in oral argument on December 13, 2012. (Dkt. No. 74). On January 29, 2013, the Court scheduled oral argument in this appeal for March 26, 2013. (Dkt. No. 86). To date, Amici's motion is still pending with the court. Amici ask that the court expedite the resolution of their motion to allow them full and adequate time to prepare for oral argument, in the event the Court decides to grant the motion.

As set out in Amici's original motion, the interests and positions of appellant Apple and cross-appellant Samsung are aligned on the issue presented in this appeal, *i.e.*, both seek overturn the ruling below. *See* Joint Mot. Amici Curiae For Leave To Participate In Oral Arg. at 3. Amici's participation in oral argument would be helpful to the Court because there is currently no party set to oppose Apple or Samsung or to argue in favor of upholding the district court's ruling. *Id.* The participation of Amici would create a true adversarial process that would give the Court the benefit of full argument on both sides of this important issue. *Id.*

In connection with the original motion and in accordance with Federal Circuit Rule 27, counsel for the Coalition, on behalf of Amici, previously

conferred with counsel for Apple and Samsung concerning the same relief sought here, and both declined to consent. *Id.* at 2.

Conclusion

For the foregoing reasons, Amici renew their request that the Court grant them leave to participate in oral argument, and permit the Coalition's counsel to argue on behalf of Amici jointly.

Dated: March 13, 2013

Respectfully submitted,

OF COUNSEL:

Eric S. Parnes
Daniel T. Lloyd
Hughes Hubbard & Reed LLP

/s/ William R. Stein

William R. Stein
Hughes Hubbard & Reed LLP
1775 I Street NW
Washington, DC 20006
Tel: (202) 721-4600
Fax: (202) 721-4646

*Counsel for Amicus Curiae First
Amendment Coalition*

Bruce D. Brown,
Counsel of record
Gregg P. Leslie
Robert J. Tricchinelli
The Reporters Committee for Freedom
of the Press
1101 Wilson Blvd., Suite 1100
Arlington, VA 22209
(703) 807-2100

*Counsel for Amicus Curiae The
Reporters Committee for Freedom of
the Press*

Additional *amici* counsel:

Kevin M. Goldberg
Fletcher, Heald & Hildreth, PLC
1300 N. 17th St., 11th Floor
Arlington, VA 22209

*Counsel for American Society of
News Editors*

Charles J. Glasser, Jr.
Global Media Counsel
Bloomberg L.P.
731 Lexington Avenue
New York, NY 10022

Counsel for Bloomberg L.P.

David McCraw
V.P./Assistant General Counsel
The New York Times Company
620 Eighth Avenue
New York, NY 10018

*Counsel for The New York Times
Company*

Bruce W. Sanford
Laurie A. Babinski
Baker & Hostetler LLP
1050 Connecticut Ave., NW
Suite 1100
Washington, DC 20036

*Counsel for Society of Professional
Journalists*

Jason Conti
Dow Jones & Company, Inc.
1211 Avenue of the Americas
7th Floor
New York, NY 10036

*Counsel for Dow Jones & Company,
Inc.*

Barbara W. Wall
Vice President/Senior
Associate General Counsel
Gannett Co., Inc.
7950 Jones Branch Drive
McLean, VA 2210

Counsel for Gannett Co., Inc.

Eric N. Lieberman
James A. McLaughlin
Legal Counsel
The Washington Post
1150 15th St., NW
Washington, DC 20071

Counsel for The Washington Post

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury that on this 13th day of March 2013, a copy of the accompanying “RENEWED JOINT MOTION OF AMICI CURIAE FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT AND FOR EXPEDITED CONSIDERATION,” was filed with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to any of the following counsel registered as CM/ECF users at the time of filing:

<p>Kathleen M. Sullivan William Adams Quinn Emanuel Urquhart & Sullivan LLP 555 Twin Dolphin Drive 5th Floor Redwood Shores, CA 94065 Email: kathleensullivan@quinnemanuel.com Email: williamadams@quinnemanuel.com</p>
<p>Michael Allen Jacobs Harold J. McElhinny Morrison and Foerster LLP 425 Market Street San Francisco, CA 94105 Email: mjacobs@mofo.com Email: hmcclhinny@mofo.com</p>
<p>William F. Lee Andrew J. Danford Mark Christopher Fleming Wilmer Cutler Pickering Hale and Dorr LLP 60 State Street Boston, MA 02109 Email: William.lee@wilmerhale.com Email: Andrew.danford@wilmerhale.com Email: mark.fleming@wilmerhale.com</p> <p>Mark D. Selwyn</p>

Wilmer Cutler Pickering Hale and Dorr LLP
950 Page Mill Road
Palo Alto, CA 94304
Email: mark.selwyn@wilmerhale.com

Louis W. Tompros
Wilmer Cutler Pickering Hale and Dorr LLP
399 Mark Avenue
New York, NY 10022
Email: Louis.tompros@wilmerhale.com

Rachel Weiner
Wilmer Cutler Pickering Hale and Dorr LLP
1875 Pennsylvania Avenue, NW
Washington, DC 20006
Email: Rachel.weiner@wilmerhale.com

Additionally, a copy of the motion will be mailed to the above counsel on this date via United States mail (postage prepaid, first class mail).

/s/ Daniel T. Lloyd
Daniel T. Lloyd