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Attorneys for Plaintiff and Counterclaim-  
Defendant APPLE INC.

12  
13  
14 **UNITED STATES DISTRICT COURT**  
15 **NORTHERN DISTRICT OF CALIFORNIA**  
16 **SAN JOSE DIVISION**

17 APPLE INC., a California corporation,  
18  
19 Plaintiff,

20 v.

21 SAMSUNG ELECTRONICS CO., LTD., a  
22 Korean corporation; SAMSUNG  
23 ELECTRONICS AMERICA, INC., a New  
24 York corporation; SAMSUNG  
25 TELECOMMUNICATIONS AMERICA,  
26 LLC, a Delaware limited liability company,  
27  
28 Defendants.

Civil Action No. 12-CV-00630-LHK

**JURY TRIAL DEMANDED**

**APPLE INC.'S RESPONSE TO  
SAMSUNG'S MOTION FOR LEAVE TO  
SUPPLEMENT ITS INFRINGEMENT  
CONTENTIONS**

Date: November 6, 2012  
Time: 10:00 a.m.  
Place: Courtroom 5  
Judge: Honorable Paul S. Grewal

SAMSUNG ELECTRONICS CO., LTD., a

1 Korean corporation; SAMSUNG  
2 ELECTRONICS AMERICA, INC., a New  
3 York corporation; SAMSUNG  
4 TELECOMMUNICATIONS AMERICA,  
5 LLC, a Delaware limited liability company,

6 Counterclaim-Plaintiffs,

7 v.

8 APPLE INC., a California corporation,

9 Counterclaim-Defendant.

10 On October 1, 2012, Samsung Electronics Co., Ltd., Samsung Electronics America, Inc.,  
11 and Samsung Telecommunications America, LLC (“Samsung”) moved for leave to amend its  
12 infringement contentions to add the iPhone 5 as an accused product. (Docket No. 267.)

13 Samsung argues that good cause exists because the iPhone 5 was unreleased at the time the  
14 parties exchanged their original contentions. (*Id.* at 3.) Further, Samsung contends that Apple  
15 Inc. (“Apple”) would not be prejudiced by the addition of the iPhone 5 because it “has the same  
16 functionality as the previously accused versions of the iPhone, so that proof of infringement of  
17 the patents-in-suit by the iPhone 5 is the same as for other Apple devices already accused of  
18 infringement in this litigation.” (*Id.*)

19 On October 5, 2012, Apple filed a Motion for Leave to Amend its Disclosure of Asserted  
20 Claims & Infringement Contentions. In its motion, Apple seeks leave to amend its infringement  
21 contentions to include recently-released Samsung products and software operating systems.<sup>1</sup>  
22 (Dkt. No. 269 at 5.) Apple’s proposed amendments would introduce no new infringement  
23 theories or asserted claims. (*Id.* at 5-6.)

24 Given that both parties are seeking the same relief, Apple does not oppose Samsung’s  
25 motion for leave to the extent that both parties are granted leave to amend their infringement  
26 contentions to add the recently-released products.

27 <sup>1</sup> Apple also moved for leave to amend its infringement contentions to make minor clarifying  
28 changes to several charts and include information that was mistakenly omitted, but previously  
disclosed to Samsung. Dkt. No. 269 at 5.

1 Dated: October 15, 2012

/s/ Mark D. Selwyn

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on October 15, 2012, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Civil Local Rule 5.1. Any other counsel of record will be served by electronic mail, facsimile, and/or overnight delivery.

/s/ Mark D. Selwyn  
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