

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

APPLE INC.,
Plaintiff-Appellee,

v.

**SAMSUNG ELECTRONICS CO., LTD., SAMSUNG
ELECTRONICS AMERICA, INC., AND SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC,**
Defendants-Appellants.

2012-1506

Appeal from the United States District Court for the
Northern District of California in case no. 11-CV-1846,
Judge Lucy H. Koh.

ON MOTION

Before BRYSON, PROST, and O'MALLEY, *Circuit Judges.*
PER CURIAM.

ORDER

Samsung Electronics Co., Ltd. et al. move for a stay,
pending appeal, of the preliminary injunction entered by
the United States District Court for the Northern District

of California on June 26, 2012. Apple, Inc. opposes the motion.

In deciding whether to grant a stay or injunction pending appeal, this court “assesses the movant’s chances of success on the merits and weighs the equities as they affect the parties and the public.” *E.I. Dupont de Nemours & Co. v. Phillips Petroleum Co.*, 835 F.2d 277, 278 (Fed. Cir. 1987); see also *Standard Havens Prods. v. Gencor Indus.*, 897 F.2d 511 (Fed. Cir. 1990). To prevail, a movant must establish a strong likelihood of success on the merits or, failing that, must demonstrate that it has a substantial case on the merits and that the harm factors militate in its favor. *Hilton v. Braunskill*, 481 U.S. 770, 778 (1987).

Upon consideration thereof,

IT IS ORDERED THAT:

The motion is denied.

FOR THE COURT

JUL 19 2012

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Kathleen M. Sullivan, Esq.
Michael A. Jacobs, Esq.

s19

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

JUL 19 2012

JAN HORBALY
CLERK