

1 HAROLD J. MCELHINNY (CA SBN 66781)  
 hmcclhinny@mofo.com  
 2 MICHAEL A. JACOBS (CA SBN 111664)  
 mjacobs@mofo.com  
 3 JENNIFER LEE TAYLOR (CA SBN 161368)  
 jtaylor@mofo.com  
 4 ALISON M. TUCHER (CA SBN 171363)  
 atucher@mofo.com  
 5 RICHARD S.J. HUNG (CA SBN 197425)  
 rhung@mofo.com  
 6 JASON R. BARTLETT (CA SBN 214530)  
 jasonbartlett@mofo.com  
 7 MORRISON & FOERSTER LLP  
 425 Market Street  
 8 San Francisco, California 94105-2482  
 Telephone: (415) 268-7000  
 9 Facsimile: (415) 268-7522

10 Attorneys for Plaintiff and  
 Counterclaim-Defendant APPLE INC.

QUINN EMANUEL URQUHART &  
 SULLIVAN, LLP  
 Charles K. Verhoeven (Cal. Bar No.  
 170151)  
 50 California Street, 22nd Floor  
 San Francisco, California 94111  
 Telephone: (415) 875-6600  
 Facsimile: (415) 875-6700  
 Kevin P.B. Johnson (Cal. Bar No. 177129)  
 Victoria F. Maroulis (Cal. Bar No. 202603)  
 555 Twin Dolphin Drive 5th Floor  
 Redwood Shores, California 94065  
 Telephone: (650) 801-5000  
 Facsimile: (650) 801-5100  
 Michael T. Zeller (Cal. Bar No. 196417)  
 865 S. Figueroa St., 10th Floor  
 Los Angeles, California 90017  
 Telephone: (213) 443-3000  
 Facsimile: (213) 443-3100

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

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

18 APPLE INC., a California corporation,

19 Plaintiff,

20 v.

21 SAMSUNG ELECTRONICS CO., LTD., a  
 Korean corporation; SAMSUNG ELECTRONICS  
 22 AMERICA, INC., a New York corporation; and  
 SAMSUNG TELECOMMUNICATIONS  
 23 AMERICA, LLC, a Delaware limited liability  
 company,

24 Defendants.

Case No. 11-cv-01846-LHK

**JOINT STIPULATION AND  
 [PROPOSED] ORDER  
 DISMISSING CLAIMS  
 CONCERNING U.S. PATENT  
 NO. D617,334 WITHOUT  
 PREJUDICE**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

*Additional attorneys for Plaintiff and  
Counterclaim-Defendant APPLE INC.*

WILLIAM F. LEE  
william.lee@wilmerhale.com  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
60 State Street  
Boston, MA 02109  
Telephone: (617) 526-6000  
Facsimile: (617) 526-5000

MARK D. SELWYN (SBN 244180)  
mark.selwyn@wilmerhale.com  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
950 Page Mill Road  
Palo Alto, California 94304  
Telephone: (650) 858-6000  
Facsimile: (650) 858-6100

1  
2 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and the Court’s May 10, 2012  
3 Order Regarding Parties’ Statements Narrowing Claims to be Asserted at Trial (Dkt. No. 912),  
4 the parties, through their respective counsel of record, hereby stipulate and agree as follows:

5 WHEREAS, Apple Inc. (“Apple”) commenced the above-captioned action (the  
6 “Litigation”) against Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and  
7 Samsung Telecommunications America, LLC (collectively “Samsung,” and together with Apple,  
8 “the Parties” and individually each a “Party”) on April 15, 2011;

9 WHEREAS, pursuant to the Court’s May 2, 2012 Case Management Order, trial in this  
10 action is currently scheduled to commence on July 30, 2012 (Dkt. No. 901);

11 WHEREAS, both parties have previously represented to each other and to the Court that  
12 each is willing to dismiss certain claims and counterclaims in the interests of streamlining and  
13 simplifying the issues in this case (Dkt. Nos. 893, 902);

14 WHEREAS, both parties previously submitted a Joint Stipulation and Proposed Order  
15 Dismissing Claims Without Prejudice, which was entered by the Court on May 29, 2012 (Dkt.  
16 No. 981);

17 WHEREAS, both parties are willing to dismiss their claims and counterclaims with  
18 respect to U.S. Patent No. D617,334 in the interests of streamlining and simplifying the issues in  
19 this case;

20 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties as  
21 follows:

22 1. This Stipulation and Order dismisses without prejudice any claims by Apple  
23 against Samsung for infringement of U.S. Patent No. D617,334 (“D’334 Patent”) (Seventeenth  
24 Claim for Relief).

25 2. Samsung agrees that its corresponding counterclaims seeking declaratory  
26 judgment of non-infringement and invalidity for Apple’s dismissed claim for infringement of the  
27 D’334 Patent should be dismissed without prejudice. This stipulation of dismissal without  
28 prejudice is made subject to Samsung’s reservation of rights to reassert these or other

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

counterclaims and defenses relating to Apple’s dismissed claims should any such dismissed claim be revived or reasserted by Apple for any reason.

3. This Stipulation and Order is not an adjudication on the merits of any of the claims or counterclaims that are hereby dismissed without prejudice.

Dated: June 21, 2012

MORRISON & FOERSTER LLP

QUINN EMANUEL URQUHART & SULLIVAN, LLP

By: /s/ Harold McElhinny  
HAROLD J. MCELHINNY  
MICHAEL A. JACOBS  
JENNIFER LEE TAYLOR  
ALISON M. TUCHER  
RICHARD S.J. HUNG  
JASON R. BARTLETT

By: /s/ Todd Bridges  
CHARLES K. VERHOEVEN  
KEVIN P.B. JOHNSON  
VICTORIA F. MAROULIS  
EDWARD DEFRANCO  
MICHAEL T. ZELLER

WILLIAM F. LEE  
MARK D. SELWYN  
  
Attorneys for APPLE INC.

Attorneys for SAMSUNG ELECTRONICS CO. LTD, SAMSUNG ELECTRONICS AMERICA, INC., AND SAMSUNG TELECOMMUNICATIONS AMERICA, LLC.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: \_\_\_\_\_, 2012

By: \_\_\_\_\_  
The Honorable Lucy H. Koh  
United States District Judge