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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE INC., a California corporation,

Plaintiff,

v.

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

Defendants.

Case No. 11-cv-01846-LHK (PSG)

**[PROPOSED] ORDER GRANTING
APPLE INC.'S MOTIONS IN LIMINE**

1 Apple has moved *in limine*, pursuant to Federal Rules of Evidence 401, 402, 403, 802,
2 1002, and 1003 to exclude certain evidence of Samsung. The Court finds that the evidence
3 offered by Samsung fails to meet the standard of admissibility under the Federal Rules of
4 Evidence. The Court therefore GRANTS Apple's motion in its entirety.

5 1. The 035 tablet mock-up and photographs thereof are excluded under Federal
6 Rules of Evidence 401, 402, and 403 as irrelevant and having a substantial risk of unfair
7 prejudice, confusing the issues, and misleading the jury.

8 2. Evidence and argument regarding non-prior art Apple or Samsung design patents
9 are excluded under Federal Rules of Evidence 401, 402, and 403 as irrelevant and having a
10 substantial risk of unfair prejudice, confusing the issues, and misleading the jury.

11 3. Evidence and argument regarding claimed prior art devices and documents that
12 do not qualify as prior art are excluded under Federal Rules of Evidence 401, 402, and 403 as
13 irrelevant and having a substantial risk of unfair prejudice, confusing the issues, and misleading
14 the jury. This evidence includes but is not limited to the specific devices and documents
15 discussed in Apple's *Motions in Limine*. Testimony on this issue is also excluded under Federal
16 Rules of Evidence 1002 and 1003.

17 4. Testimony or exhibits regarding misleading partial views of patented designs are
18 excluded under Federal Rules of Evidence 401, 402, and 403 as irrelevant and having a
19 substantial risk of unfair prejudice, confusing the issues, and misleading the jury.

20 5. Evidence and argument that Samsung received legal advice regarding the
21 patents-in-suit are excluded under Federal Rules of Evidence 401, 402, and 403 as irrelevant and
22 having a substantial risk of unfair prejudice, confusing the issues, and misleading the jury.
23 Testimony on this issue is also excluded under Federal Rules of Evidence 1002 and 1003.

24 6. Evidence or argument as to how courts or tribunals have in other cases
25 construed—or ruled on the validity, enforceability, or infringement of—any Apple or Samsung
26 patent is excluded under Federal Rules of Evidence 401, 402, and 403 as irrelevant and having a
27 substantial risk of unfair prejudice, confusing the issues, and misleading the jury. This evidence
28 is also excluded under Federal Rule of Evidence 802 as inadmissible hearsay.

1 7. Evidence or argument as to statements allegedly made by Steve Jobs to Walter
2 Isaacson is excluded under Federal Rules of Evidence 401, 402, and 403 as irrelevant and having
3 a substantial risk of unfair prejudice, confusing the issues, and misleading the jury. This
4 evidence is also excluded under Federal Rule of Evidence 802 as inadmissible hearsay.

5 8. Evidence or argument as to the parties' alleged corporate behavior or financial
6 circumstances unrelated to this case, including but not limited to the size of Apple's tax bill, the
7 compensation paid to Apple's employees, working conditions related to the manufacture of
8 Apple's products, or the overall revenues, profits, cash on hand, or wealth of either party is
9 excluded under Federal Rules of Evidence 401, 402, and 403 as irrelevant and having a
10 substantial risk of unfair prejudice, confusing the issues, and misleading the jury.

11 9. Evidence or argument that Samsung's "profits" are anything less than the total
12 economic profits recognized on a consolidated basis by Samsung is excluded under Federal Rules
13 of Evidence 401, 402, and 403 as irrelevant and having a substantial risk of unfair prejudice,
14 confusing the issues, and misleading the jury.

15 10. Evidence or argument regarding the financial terms of Apple's acquisition of
16 Fingerworks is excluded under Federal Rules of Evidence 401, 402, and 403 as irrelevant and
17 having a substantial risk of unfair prejudice, confusing the issues, and misleading the jury.

18 **IT IS SO ORDERED.**

19 Dated: _____, 2012

By: _____

Honorable Lucy H. Koh
United States Judge