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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

APPLE INC., a California corporation,

Plaintiff,

vs.

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

Defendants.

CASE NO. 11-cv-01846-LHK-PSG

**[PROPOSED] ORDERS GRANTING
SAMSUNG'S MOTIONS IN LIMINE**

Date: July 18, 2012

Time: 2:00 pm

Place: Courtroom 8, 4th Floor

Judge: Hon. Lucy H. Koh

Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung
Telecommunications America, LLC (collectively, "Samsung") filed Motions *in Limine*, which
came on for hearing on July 18, 2012, in Courtroom 8 of the above-captioned Court, the
Honorable Lucy H. Koh presiding.

The Court, having read and considered the papers filed in support and in opposition to the
motions, and good cause appearing therefor, makes the following orders:

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Samsung's Motion In Limine No. 1

The Court GRANTS Samsung's Motion *in Limine* No. 1 to Exclude Evidence Or Argument Not Tied To The Specific IP Rights Claimed By Apple In This Action. Plaintiff Apple, Inc., its counsel and witnesses shall be precluded from presenting evidence, engaging in argument or making reference before the jury of the commercial success, popularity or other comments relating to Apple products or features unless such references specifically refer to the claim elements of the intellectual property rights alleged by Apple to be infringed.

IT IS SO ORDERED.

IT IS FURTHER ORDERED that this order shall be in effect from the commencement of voir dire to the rendering of a verdict, and shall be in effect at all times when any juror or jurors are in the courtroom.

DATED: _____, 2012

Hon. Lucy H. Koh
United States District Judge

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Samsung's Motion In Limine No. 2

The Court GRANTS Samsung's Motion *in Limine* No. 2 To Exclude Out-Of-Court Third Party Statements About Purported Similarities Or Purported Confusion. Plaintiff Apple, Inc., its counsel and witnesses shall be precluded from presenting evidence, engaging in argument or making reference before the jury of out-of-court, third party statements that reflect confusion between Apple and Samsung products or opinions regarding the similarity between Apple and Samsung products, including but not limited to the documents referenced in Samsung's Motion *in Limine* No. 2.

IT IS SO ORDERED.

IT IS FURTHER ORDERED that this order shall be in effect from the commencement of voir dire to the rendering of a verdict, and shall be in effect at all times when any juror or jurors are in the courtroom.

DATED: _____, 2012

Hon. Lucy H. Koh
United States District Judge

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Samsung's Motion In Limine No. 3

The Court GRANTS Samsung's Motion *In Limine* No. 3 To Exclude Accused Devices, Contentions, Theories, And Witnesses Not Timely Disclosed In Infringement Contentions Or Interrogatory Responses. Plaintiff Apple, Inc., its counsel and witnesses shall be precluded from presenting evidence, engaging in argument or making reference before the jury of the Galaxy S II products (the Epic 4G Touch, i9100, Skyrocket, T-Mobile version, AT&T version, etc.) as well as the other products contentions, theories and witnesses including those described in Samsung's Motion *In Limine* No. 3.

IT IS SO ORDERED.

IT IS FURTHER ORDERED that this order shall be in effect from the commencement of voir dire to the rendering of a verdict, and shall be in effect at all times when any juror or jurors are in the courtroom.

DATED: _____, 2012

Hon. Lucy H. Koh
United States District Judge

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Samsung's Motion In Limine No. 4

The Court GRANTS Samsung's Motion *In Limine* No. 4 To Exclude References To Findings Or Rulings In Other Proceedings Not Involving The Patents At Issue In This Case. Plaintiff Apple, Inc., its counsel and witnesses shall be precluded from presenting evidence, engaging in argument or making reference before the jury of any findings or rulings from other proceedings, including foreign litigation and investigations before the ITC.

IT IS SO ORDERED.

IT IS FURTHER ORDERED that this order shall be in effect from the commencement of voir dire to the rendering of a verdict, and shall be in effect at all times when any juror or jurors are in the courtroom.

DATED: _____, 2012

Hon. Lucy H. Koh
United States District Judge

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Samsung's Motion In Limine No. 5

The Court GRANTS Samsung's Motion *In Limine* No. 5 To Exclude Disputes And Rulings In This Action, Including Discovery Disputes And The Preliminary Injunction Ruling. Plaintiff Apple, Inc., its counsel and witnesses shall be precluded from presenting evidence, engaging in argument or making reference before the jury of any discovery disputes, motions or orders on such motions, or to the Court's rulings on Apple's motions for preliminary injunction.

IT IS SO ORDERED.

IT IS FURTHER ORDERED that this order shall be in effect from the commencement of voir dire to the rendering of a verdict, and shall be in effect at all times when any juror or jurors are in the courtroom.

DATED: _____, 2012

Hon. Lucy H. Koh
United States District Judge

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Samsung's Motion In Limine No. 6

The Court GRANTS Samsung's Motion *In Limine* No. 6 To Exclude Generalizations Regarding The Operation Of Accused Samsung Products. Plaintiff Apple, Inc., its counsel and witnesses shall be precluded from presenting evidence, engaging in argument or making reference before the jury of how any product is representative of any other accused product for purposes of determining infringement.

IT IS SO ORDERED.

IT IS FURTHER ORDERED that this order shall be in effect from the commencement of voir dire to the rendering of a verdict, and shall be in effect at all times when any juror or jurors are in the courtroom.

DATED: _____, 2012

Hon. Lucy H. Koh
United States District Judge

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Samsung's Motion In Limine No. 7

The Court GRANTS Samsung's Motion *In Limine* No. 7 To Exclude Resized Or Altered Photos Of Samsung's Products In Side-By-Side Product Comparisons. Plaintiff Apple, Inc., its counsel and witnesses shall be precluded from presenting evidence, engaging in argument or making reference before the jury of altered, resized or otherwise manipulated pictures of the accused Samsung products, especially in side-by-side comparisons with Apple products.

IT IS SO ORDERED.

IT IS FURTHER ORDERED that this order shall be in effect from the commencement of voir dire to the rendering of a verdict, and shall be in effect at all times when any juror or jurors are in the courtroom.

DATED: _____, 2012

Hon. Lucy H. Koh
United States District Judge

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Samsung's Motion In Limine No. 8

The Court GRANTS Samsung's Motion *In Limine* No. 8 To Exclude Opinions Of Terry Musika On Pre-Filing Damages, Unless And Until Apple Makes A *Prima Facie* Showing Of Entitlement To Such Damages. Plaintiff Apple, Inc., its counsel and witnesses shall be precluded from presenting evidence, engaging in argument or making reference before the jury of Mr. Musika's opinions on pre-notice damages unless and until Apple makes a *prima facie* showing of entitlement to such damages.

IT IS SO ORDERED.

IT IS FURTHER ORDERED that this order shall be in effect from the commencement of voir dire to the rendering of a verdict, and shall be in effect at all times when any juror or jurors are in the courtroom.

DATED: _____, 2012

Hon. Lucy H. Koh
United States District Judge

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Samsung's Motion In Limine No. 9

The Court GRANTS Samsung's Motion *In Limine* No. 9 To Exclude Samsung's Overall Revenues, Profits, Wealth And Value, And Evidence Or Argument That Samsung Has Paid Lower Taxes Than It Should Have. Plaintiff Apple, Inc., its counsel and witnesses shall be precluded from presenting evidence, engaging in argument or making reference before the jury of (a) Samsung's overall revenues, profits, wealth or value; (b) any allegation that Samsung has avoided U.S. taxation or paid less U.S. taxes than it should have; or (c) any allegation that STA's and SEA's profits should be higher than they actually were.

IT IS SO ORDERED.

IT IS FURTHER ORDERED that this order shall be in effect from the commencement of voir dire to the rendering of a verdict, and shall be in effect at all times when any juror or jurors are in the courtroom.

DATED: _____, 2012

Hon. Lucy H. Koh
United States District Judge

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Samsung's Motion In Limine No. 10

The Court GRANTS Samsung's Unopposed Motion *In Limine* No. 10 To Exclude Evidence And Argument That Apple Is Presently Licensed To The Declared Essential Patents-In-Suit. Plaintiff Apple, Inc., its counsel and witnesses shall be precluded from presenting evidence, engaging in argument or making reference before the jury of its belief or allegation that Apple is presently licensed to the declared essential patents-in-suit.

IT IS SO ORDERED.

IT IS FURTHER ORDERED that this order shall be in effect from the commencement of voir dire to the rendering of a verdict, and shall be in effect at all times when any juror or jurors are in the courtroom.

DATED: _____, 2012

Hon. Lucy H. Koh
United States District Judge

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