

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE, INC., a California corporation,
Plaintiff and Counterdefendant,
v.
SAMSUNG ELECTRONICS CO., LTD., A
Korean corporation; SAMSUNG
ELECTRONICS AMERICA, INC., a New York
corporation; SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC,
a Delaware limited liability company,
Defendants and Counterclaimants.

Case No.: 11-CV-01846-LHK

ORDER REQUIRING LEAD TRIAL
COUNSEL TO MEET AND CONFER
FOR FINAL JURY INSTRUCTIONS

The Court has reviewed the preliminary jury instructions submitted by the parties and has filed a tentative set of preliminary jury instructions concurrently with this Order. In reviewing the parties' submissions, it became clear that the parties did not comply with the spirit of the Court's order requiring a joint submission of disputed and undisputed jury instructions. The Court was disappointed to see many unnecessary disputes in the preliminary instructions. For example, the parties could not agree on: (1) whether an instruction regarding use of interpreters would be given at the beginning of the trial, or before the first witness requiring an interpreter testifies; or (2) whether to insert "allegedly" before "infringing products."


While the Court appreciates that real disputes will arise regarding the correct statement of law and the proper jury instructions to be given at the close of the case, many of the disputes thus far seem unnecessary. Accordingly, lead trial counsel are ordered to meet and confer in person regarding the final jury instructions. Only instructions in which lead trial counsel cannot agree on the substantive statement of the law should be presented as disputed jury instructions for the Court to resolve. In addition, to give the parties further guidance, the Court has a strong preference for the use of Ninth Circuit Model Jury Instructions and the Northern District of California Model

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Patent Jury Instructions. The parties shall file a revised joint submission of disputed and undisputed final jury instructions by August 6, 2012. The parties shall also lodge with the Court binders containing copies of the joint submission by Tuesday, August 7, 2012 at noon.

IT IS SO ORDERED.

Dated: July 23, 2012



LUCY H. KOH
United States District Judge