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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] ORDER GRANTING  
SAMSUNG’S MOTION FOR  
SPOILIATION ADVERSE INFERENCE  
INSTRUCTION AGAINST APPLE**

Samsung Electronics Co. Ltd., Samsung Electronics America, Inc., and Samsung  
Telecommunications America, LLC (collectively, “Samsung”) have filed a Motion for Spoliation  
Adverse Inference Instruction Against Apple (“Motion for Adverse Inference”).

Having considered the arguments of the parties and the papers submitted, the Court  
GRANTS Samsung’s Motion for Adverse Inference. The Court shall give the same adverse  
inference instruction against Apple as is given against Samsung, and the Apple adverse inference  
instruction shall be supplemented by the following additional language: “Apple initiated this

1 lawsuit, and you should presume that it was more reasonable for a party in Apple's position to  
2 foresee litigation than it was for a party in Samsung's position.”

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**IT IS SO ORDERED.**

DATED: \_\_\_\_\_, 2012

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HONORABLE LUCY H. KOH  
United States District Court Judge