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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,

Defendant.

CASE NO. 11-cv-01846-LHK

**[PROPOSED] ORDER GRANTING
SAMSUNG'S MOTION FOR DE NOVO
DETERMINATION OF DISPOSITIVE
MATTER REFERRED TO MAGISTRATE
JUDGE AND DENYING APPLE'S
MOTION FOR ADVERSE INFERENCE
JURY INSTRUCTION**

1 Samsung Electronics Co. Ltd., Samsung Electronics America, Inc., and Samsung
2 Telecommunications America, LLC (collectively, “Samsung”) have filed a Motion for De Novo
3 Determination of Dispositive Matter Referred to Magistrate Judge (“Motion for De Novo
4 Determination”).

5 The Court having heard oral argument and conducted a *de novo* review of Apple’s Motion
6 for Adverse Inference Jury Instruction (“Apple’s Motion for Adverse Inference”) (Dkt. No. 895),
7 including all associated briefing and declarations, and the Magistrate Judge’s Order Granting-In-
8 Part (Dkt. No. 1321), and having considered the arguments of the parties and the papers submitted,
9 the Court GRANTS Samsung’s Motion for De Novo Determination, and DENIES Apple’s Motion
10 for Adverse Inference.

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IT IS SO ORDERED.

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14 DATED: _____, 2012

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HONORABLE LUCY H. KOH
United States District Court Judge

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