United States District Court For the Northern District of California

UNITED STATES D	ISTRICT COURT		
NORTHERN DISTRICT OF CALIFORNIA			
SAN JOSE DIVISION			
APPLE, INC., a California corporation,	Case No.: 11-CV-01846-LHK		
) Plaintiff, )	ORDER ON SAMSUNG'S		
V. )	OBJECTIONS TO TRIAL EXHIBITS OF CHRISTOPHER STRINGER		
SAMSUNG ELECTRONICS CO., LTD., A       )         Korean corporation; SAMSUNG       )         ELECTRONICS AMERICA, INC., a New York       )			
ELECTRONICS AMERICA, INC., a New York ) corporation; SAMSUNG ) TELECOMMUNICATIONS AMERICA, LLC, )			
a Delaware limited liability company,			
Defendants.			
)			
I. SAMSUNG'S OBJECTIONS TO TR STRINGER	IAL EXHIBITS OF CHRISTOPHER		
Samsung has filed objections to thirteen of Apple's exhibits to be used during the direct			
examination of Christopher Stringer. After reviewi	ng the parties' briefing, considering the record		
in the case, and balancing the considerations set for	th in Federal Rule of Evidence 403, the Court		
rules on Apple's objections as follows:			
EXHIBIT COURT'S RULING ON OBJE	CTION		
NUMBERPX1, PX2,Overruled. Apple is introducing	phones timely produced during discovery and		
X165, photographs of these phones.			
PX166, PX167,			
PX168,			
PX170, PX171			
Case No.: 11-CV-01846-LHK			
ORDER ON SAMSUNG'S OBECTIONS TO TRIAL EXHIB	BITS OF CHRISTOPHER STRINGER Dockets.Jus		

1 2 3	PX3, PX4	Overruled. Mr. Stringer is an industrial designer and may be competent to testify regarding trends that he observed in the design of publically available phones. Moreover, although PX3 and PX4 present only a selection of Samsung phones, both exhibits are probative of Apple's copying allegations. The risk of unfair prejudice of PX3 and PX4 does not substantially outweigh their probative value, therefore they are admissible.
4 5 6 7	PX157	Sustained. PX157 is inadmissible hearsay. It does not qualify for the public record exception to the hearsay rule because it is not produced by a public office nor does it set out that office's activities as required by Rule 803(8). Moreover, Apple's proposed non-hearsay use is still hearsay: "illustrat[ing] Mr. Stringer's testimony" is still using the exhibit for the truth of the matter asserted, namely that Apple won a design award.
8	PX162, PX164	Overruled. The CAD drawings shown in PX162 and PX164 were produced in July 2011, and were therefore made available in a timely manner.
9		
10	IT IS SO ORDERED.	
11	IT IS SO ORDERED. Dated: July 30, 2012	
12		LUCY H. <b>WH</b> United States District Judge
13		
14		
15		
16		
17		
18		
19		
20		
21		
2		
23		
24		
25		
26 27		
27 28		
.0		2
	Case No.: 11-CV-01846-LHK ORDER ON SAMSUNG'S OBECTIONS TO TRIAL EXHIBITS OF CHRISTOPHER STRINGER	

**United States District Court** For the Northern District of California