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 12 Attorneys for Plaintiff and
 Counterclaim-Defendant APPLE INC.

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 14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN JOSE DIVISION

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 18 APPLE INC., a California corporation,
 19 Plaintiff,

20 v.

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

Case No. 11-cv-01846-LHK (PSG)

**APPLE'S MOTION FOR LEAVE
 TO FILE SUR-REPLY TO
 SAMSUNG'S MOTION FOR DE
 NOVO DETERMINATION OF
 DISPOSITIVE MATTER
 REFERRED TO MAGISTRATE
 JUDGE, IN THE ALTERNATIVE,
 MOTION FOR RELIEF FROM
 NONDISPOSITIVE PRETRIAL
 ORDER OF MAGISTRATE
 JUDGE**

1 Samsung persists in seeking *de novo* review of Judge Grewal's Order that an adverse
2 inference instruction be given, but its Reply Memorandum raises an entirely new argument for
3 why *de novo* review is required. Samsung argues, for the first time on reply, that a federal
4 magistrate judge lacks inherent power to impose sanctions. (*Compare* Dkt. No. 1579 (Reply) at
5 7-9 *with* Dkt. No. 1392 (Mot.) at 2-3.) Apple moves for permission to file the attached sur-reply
6 memorandum to rebut this new argument.

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8 Dated: August 8, 2012

MORRISON & FOERSTER LLP

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10 By: /s/ Michael A. Jacobs
Michael A. Jacobs

11 Attorneys for Plaintiff
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