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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

**[PROPOSED] ORDER DENYING
APPLE'S MOTION FOR A
PRELIMINARY INJUNCTION**

Date: October 13, 2011
Time: 1:30 pm
Place: Courtroom 8, 4th Floor
Judge: Hon. Lucy H. Koh

1 The Court has before it Plaintiff Apple Inc.'s ("Apple's") Motion for a Preliminary
2 Injunction (the "Motion"), as well as all documents and evidence submitted both in support of and
3 opposition to the Motion, including Defendants Samsung Electronics Co., Ltd., Samsung
4 Electronics America, Inc., and Samsung Telecommunications America, LLC's, ("Samsung's")
5 Opposition to the Motion. Argument on the Motion took place on October 13, 2011.

6 Having considered the Motion, as well as all documents and evidence submitted both in
7 support of and opposition to the Motion, applicable law, having given the parties hereto an
8 opportunity to argue both in support of and in opposition to the Motion, and with good cause
9 appearing, the Court finds as follows:

- 10 1. Apple has not shown it is likely to prevail at trial on its relevant claims for relief;
- 11 2. Apple has not shown it will be irreparably harmed in the absence of a preliminary
12 injunction;
- 13 3. the balance of harm tips in Samsung's favor in that the hardship to Apple if the
14 Motion is not granted does not outweigh the hardship to Samsung if the Motion is granted; and
- 15 4. the public interest would not be served by granting the Motion.

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17 The Court HEREBY ORDERS that:
18 The Motion is DENIED.

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21 IT IS SO ORDERED.

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23 DATED: _____, 2011

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Hon. Lucy H .Koh
United States District Court Judge

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