

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION

4 APPLE INC., a California corporation,

5 Plaintiff,

6 vs.

Civil Action No. 11-CV-01846-LHK

7 SAMSUNG ELECTRONICS CO., LTD., a  
8 Korean business entity, SAMSUNG  
9 ELECTRONICS AMERICA, INC., a New  
10 York corporation, and SAMSUNG  
11 TELECOMMUNICATIONS AMERICA,  
12 LLC, a Delaware limited liability company,

13 Defendants.

**[PROPOSED] ORDER DENYING  
SAMSUNG'S MOTION  
TO DISMISS AND STRIKE  
APPLE'S COUNTERCLAIMS**

14 SAMSUNG ELECTRONICS CO., LTD., a  
15 Korean business entity, SAMSUNG  
16 ELECTRONICS AMERICA, INC., a New  
17 York corporation, and SAMSUNG  
18 TELECOMMUNICATIONS AMERICA,  
19 LLC, a Delaware limited liability company

20 Counterclaim-Plaintiffs,

21 v.

Date: September 22, 2011  
Time: 1:30 p.m.  
Place: Courtroom 4, 5<sup>th</sup> Floor  
Judge: Hon. Lucy H. Koh

22 APPLE INC., a California corporation,

23 Counterclaim-Defendant.

24 The Court, having considered the papers submitted by the parties, HEREBY ORDERS as  
25 follows:

26 1. Defendants' Motion to Dismiss Counts XXVII, XXVIII, and XXIX of Apple  
27 Inc.'s Counterclaims in Reply is DENIED; and

28 2. Defendants' Motion to Strike Counts XXX, XXXI, and XXXII of Apple Inc.'s  
Counterclaims in Reply is DENIED.

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_, 2011

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Hon. Lucy H. Koh  
United States District Court Judge