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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.
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CASE NO. 11-cv-01846-LHK-PSG

[PROPOSED] ORDER STRIKING NEW EVIDENCE SUBMITTED BY APPLE IN SUPPORT OF ITS REPLY IN SUPPORT OF ITS MOTION FOR A PRELIMINARY INJUNCTION

1 On October 4, 2011, Samsung Electronics Co., Ltd., Samsung Electronics America, Inc.,
2 and Samsung Telecommunications America, LLC (collectively, “Samsung”) moved for an order
3 striking certain evidence submitted by Apple in connection with its “Reply in Support of Its
4 Motion for a Preliminary Injunction.”

5 Having considered the briefs and the arguments of the parties, and the entire file in this
6 action, the Court hereby GRANTS Samsung’s motion as follows:

- 7 1. The Court STRIKES and will disregard in its entirety the “Reply Declaration of Terry
8 L. Musika, CPA in Support of Apple’s Motion for a Preliminary Injunction.”
- 9 2. The Court STRIKES and will disregard in its entirety the “Reply Declaration of Arthur
10 Rangel in Support of Apple’s Motion for a Preliminary Injunction.”
- 11 3. The Court STRIKES and will disregard in its entirety “Reply Declaration of Sanjay
12 Sood in Support of Apple’s Motion for a Preliminary Injunction.”
- 13 4. The Court STRIKES and will disregard in its entirety “Declaration of Tony Blevins in
14 Support of Apple’s Motion for a Preliminary Injunction.”
- 15 5. The Court STRIKES and will disregard in its entirety the Reply “Declaration of
16 Christopher Stringer in Support of Apple’s Reply in Support of Its Motion for a
17 Preliminary Injunction.”
- 18 6. The Court STRIKES and will disregard paragraphs 74-97 and corresponding exhibits
19 of the “Reply Declaration of Peter W. Bressler in Support of Apple’s Motion for a
20 Preliminary Injunction.”
- 21 7. The Court STRIKES and will disregard paragraphs 11-12, 18, 22-23, 25-33, 35-37, 40,
22 44-46, 48-51, and 53 and corresponding exhibits of the “Reply Declaration of Ravin
23 Balakrishnan, Ph.D. in Support of Apple’s Motion for a Preliminary Injunction.”
- 24 8. The Court STRIKES and will disregard paragraphs 12 to 55 and 63 to 65 and the
25 corresponding exhibits of the “Reply Declaration of Cooper C. Woodring in Support of
26 Apple’s Motion for a Preliminary Injunction.”

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- 9. The Court STRIKES and will disregard Apple’s contention on page eleven of “Apple’s Reply in Support of Its Motion for a Preliminary Injunction” that the iPad2 practices the D’889 patent and its commercial success argument relating thereto.
- 10. The Court STRIKES and will disregard Exhibits A, B, and C of the “Reply Declaration of Arthur Rangel in Support of Apple’s Motion for a Preliminary Injunction.”
- 11. The Court STRIKES and will disregard Exhibits D and H of the “Reply Declaration of Sanjay Sood in Support of Apple’s Motion for a Preliminary Injunction.”
- 12. The Court hereby grants Samsung leave to depose Peter Bressler and any new witnesses enumerated above that the Court does not strike. Apple shall make these witnesses available for deposition no later than three days prior to the hearing on the Motion for Preliminary Injunction.
- 13. Samsung is hereby granted leave to file a sur-reply with respect to Apple’s Motion for a Preliminary Injunction. Samsung’s sur-reply shall be filed no later than one day prior to the hearing on the Motion for a Preliminary Injunction.

IT IS SO ORDERED.

DATED: _____

Hon. Lucy H. Koh
United States District Judge