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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, and SAMSUNG
TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,

Defendants.

SAMSUNG ELECTRONICS CO., LTD., a
Korean business entity, SAMSUNG
ELECTRONICS AMERICA, INC., a New
York corporation, and SAMSUNG
TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,

Counterclaim-Plaintiffs,

v.

APPLE INC., a California corporation,

Counterclaim-Defendant.

Civil Action No. 11-CV-01846-LHK

**[PROPOSED] ORDER GRANTING
APPLE'S MOTION TO COMPEL
DISCOVERY RELATING TO ITS
AFFIRMATIVE DEFENSES AND
COUNTERCLAIMS**

Date: TBA
Time: TBA

1 Plaintiff Apple Inc. (“Apple”) has moved pursuant to Federal Rule of Civil Procedure 37
2 and Patent Local Rule 3-4(a) for an order compelling Defendants Samsung Electronics Co., Ltd,
3 Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC
4 (collectively, “Samsung”) to complete, by January 23, 2012, its production of certain identified
5 documents and things. Having considered the arguments of the parties and the papers submitted,
6 and GOOD CAUSE HAVING BEEN SHOWN, the Court hereby GRANTS Apple’s Motion to
7 Compel Discovery Relating to its Affirmative Defenses and Counterclaims as follows:

8 IT IS ORDERED that **by no later than January 23, 2012**, Samsung shall make a
9 complete production of the documents identified in subsections A – C below.

- 10 A. All documents related to Samsung’s participation in ETSI and/or 3GPP.
- 11 B. (1) All license agreements and documents reflecting license negotiations (whether
12 resulting in a contract or not) relating to patents that Samsung has declared
13 essential to the ETSI and/or 3GPP standards; and (2) all license agreements to
14 relevant technologies that cover only patents that have not been declared essential
15 to a standards body.
- 16 C. All relevant documents from its inventor files, after those files have been
17 collected in a thorough and forensically-sound manner, and after searches of
18 electronic files are performed using the search terms set forth below, including
19 counterpart Korean-language terms (the native language of most of the named
20 inventors). Samsung shall apply the following search terms in English and
21 Korean:
- 22 1. For all patents that Samsung alleges are essential to one or more standards,
23 Samsung shall search for: any standards that Samsung claims a patent is
24 essential to, such as, for example, “25.212” and “25.322.”
- 25 2. For all patents except the ‘941, that Samsung alleges are essential to one
26 or more standards, Samsung shall search for: the terms “TSG RAN
27 Working Group1,” “TSGR1,” and “WG1.” For the ‘941, Samsung shall
28

1 search for: the terms “TSG RAN Working Group2,” “TSGR2,” and
2 “WG2.”

- 3 3. For each patent, Samsung shall run the following searches: (1) the entire
4 patent number (with and without commas); (2) the three digit patent
5 shorthand number (ex: “001”) near5 “patent”; (3) the U.S. application
6 number; (4) all foreign application and patent numbers to which the U.S.
7 patent claims priority; (5) all patent numbers for the related patents
8 asserted in foreign litigation against Apple; and (6) shorthand for the
9 foreign priority applications and the foreign counterpart patents. For
10 example, for the ‘001 patent, in addition to searching for “1999-26221” or
11 “1999-27163,” Samsung should search for (“KR” near5 “26221”), (“KR
12 near5 27163”).
- 13 4. For the ‘711 patent, Samsung shall search for: “cell* phone,” “mobile
14 phone,” “mobile device,” “portable terminal,” “background music,”
15 “standby music,” “standby mode music,” “music file,” and “MP3.”
- 16 5. For the ‘460 patent, Samsung shall search for: “e-mail” “camera,”
17 “attach*,” “enclose*,” “mode,” “submode,” “sub-mode,” and (“mail”
18 near5 “photo*”).
- 19 6. For the ‘893 patent, Samsung shall search for: (“camera *mode*” or
20 “photographing *mode*”) near/10 (“view* *mode*” or “display*
21 *mode*”) or (“last viewed photo” or “last-viewed photo” or “last photo
22 viewed” or “most recently viewed”).
- 23 7. For the ‘516 patent, Samsung shall search for: “E-DCH,” “DCH,” “E-
24 DPDCH,” “DPDCH,” “E-DPCCH,” “transmit power,” “transport format,”
25 “TF,” “E-TF,” “gain factor,” (“scal*” near5 “power factor”), and (“reduc*”
26 near5 “power factor”).
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8. For the '001 patent, Samsung shall search for: (“radio” near5 “frame” near5 “match*”) or (“radio” near5 “frame” near5 “segment*”), “fill* bits,” “padding bits,” “physical channel segment,” (“segment*” near25 (“interleav*” or “transport channel” or (“serial” near5 “data’))), (“multiplex* near25 (“radio frame” or “data frame” or “transport channel” or (“serial” near5 “data’))).
9. For the '941 patent, Samsung shall search for: (“header” near5 (“PDU” or “protocol data unit”) or (“RLC” or “radio link control” near5 “PDU” or “protocol data unit”), “Voice over internet,” “Voice over IP,” “VoIP,” “VOIP,” “segment*,” “concatenat*,” “padding,” “frame alignment,” (“header” near5 “efficiency”), “ebit,” “e-bit,” “length indicat*,” (“segment” near5 (“SDU” or “service data unit”), and ((“entir*” or “complet*”) near5 (“SDU” or “service data unit”)).
10. For the '604 patent, Samsung shall search for: “channel cod*,” “turbo cod*,” “transport block,” “trbk,” “bit stream,” “bit error rate,” and “superframe.”
11. For the '410 patent, Samsung shall search for: “repetition,” “puncture*,” “rate matching,” “demultiplexer.”
12. For the '792 patent, Samsung shall search for: “interleaver*,” “QAM,” “constellation,” “systematic bit,” “systematic cod*,” and “quadrature amplitude modulation.”
13. For the '867 patent, Samsung shall search for: “scrambling code,” “orthogonal code,” “gold code*,” “gold sequence,” “m-sequence” and “msequence.”

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IT IS SO ORDERED.

Dated:

By: _____

Honorable Paul S. Grewal, U.S.M.J.