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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 INC.'S MOTION TO STRIKE
EVIDENCE NOT DISCLOSED AS
REQUIRED BY PATENT LOCAL RULE
4-3(b)**

Date: TBA
Time: TBA

1 Plaintiff Apple Inc. (“Apple”) has moved for an order striking portions of Samsung’s
2 opening claim construction brief, portions of an expert declaration, and certain exhibits
3 submitted by Samsung in support of its proposed claim constructions, on the grounds that they
4 contain or rely upon evidence that Samsung did not disclose in the parties’ Joint Claim
5 Construction and Prehearing Statement.

6 Having considered the arguments of the parties and the papers submitted, and good cause
7 having been shown, the Court hereby grants Apple’s motion and strikes: (1) paragraphs 13-15,
8 17-23, 35-37, 39-42, 45-46, 51-57 and 64-65 of the Declaration of Joe Tipton Cole in Support of
9 Samsung’s Proposed Claim Construction for U.S. Patent No. 7,698,711 (“Cole Declaration”), (2)
10 Exhibits 2-4 and 6-12 of the Cole Declaration, and (3) Section V.B.1, paragraphs 4-6 of
11 Samsung’s Opening Claim Construction Brief.
12

13
14 **IT IS SO ORDERED**

15 DATED: _____, 2012

16 Hon. Lucy H. Koh
United States District Court Judge