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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-PSG

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

On January 10, 2012, Plaintiff Apple Inc. (“Apple”) moved for an order compelling Defendants Samsung Electronics Co., Ltd, Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively, “Samsung”) to produce documents and things responsive to various of Apple’s Requests for Production (Docket No. 600).

Having considered the briefs and the arguments of the parties, and the entire file in this action, the Court hereby DENIES Apple’s motion to compel discovery relating to its affirmative defenses and counterclaims in its entirety, as follows:

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1. **SSO Documents.** Apple’s motion to compel is **DENIED** as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence with respect to its requests for all documents related to Samsung’s participation in ETSI and/or 3GPP.

2. **License Agreements.** Apple’s motion to compel is **DENIED** as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence with respect to its requests for all license agreements and documents reflecting license negotiations (whether resulting in a contract or not) relating to patents that Samsung has declared essential to the ETSI and/or 3GPP standards. Apple's motion to compel is **DENIED** for failure to meet and confer with respect to its request for all license agreements to relevant technologies that cover only patents that have not been declared essential to a standards body.

3. **Inventor Documents.** Apple's motion to compel is **DENIED** as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence with respect to its request to compel Samsung to run additional specified term searches in Samsung's inventor files.

IT IS SO ORDERED.

DATED: _____, 2012

The Honorable Paul S. Grewal
United States Magistrate Judge