

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

4 APPLE INC., a California corporation,

5 Plaintiff,

6 vs.

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.

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.

22 APPLE INC., a California corporation,

23 Counterclaim-Defendant.

Civil Action No. 11-CV-01846-LHK

**[PROPOSED] ORDER GRANTING  
APPLE INC.'S MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

Date: May 10, 2012

Time: 1:30 p.m.

Place: Courtroom 4, 5<sup>th</sup> Floor

Judge: Hon. Lucy H. Koh

24 The Court, having considered the papers submitted by the parties and argument by  
25 counsel, HEREBY ORDERS that Apple Inc. is entitled to judgment under Federal Rule of Civil  
26 Procedure 56 as to the following Apple defenses and counterclaims:

- 27 1. First Defense (Non-Infringement) as to U.S. Patent Nos. 7,386,001, 7,362,867,  
28 7,050,410, 6,928,604, 7,675,941, 7,200,792, and 7,447,516 (collectively, the  
“summary judgment patents”);

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2. Fourth Defense (Authority to Practice and/or Unenforceability) as to the summary judgment patents;
3. Fifth Defense (FRAND License);
4. Sixth Defense (No Injunctive Relief) as to the summary judgment patents;
5. First Counterclaim (Declaratory Judgment of Non-Infringement of the '604 Patent);
6. Third Counterclaim (Declaratory Judgment of Non-Infringement of the '410 Patent);
7. Ninth Counterclaim (Declaratory Judgment of Non-Infringement of the '792 Patent);
8. Eleventh Counterclaim (Declaratory Judgment of Non-Infringement of the '867 Patent);
9. Thirteenth Counterclaim (Declaratory Judgment of Non-Infringement of the '001 Patent);
10. Fifteenth Counterclaim (Declaratory Judgment of Non-Infringement of the '516 Patent);
11. Twenty-First Counterclaim (Declaratory Judgment of Non-Infringement of the '941 Patent);
12. Twenty-Fifth Counterclaim (Breach of Contract - FRAND and Other Standard-Related Misconduct); and
13. Twenty-Seventh Counterclaim (Declaratory Judgment that Apple is Licensed to Samsung's Declared-Essential Patents).

**IT IS SO ORDERED**

DATED: \_\_\_\_\_, 2012

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Hon. Lucy H. Koh  
United States District Court Judge