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8   UNITED STATES DISTRICT COURT

9   NORTHERN DISTRICT OF CALIFORNIA

10   SAN JOSE DIVISION

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12   APPLE INC., a California corporation,

13   Plaintiff,

14   v.

15   SAMSUNG ELECTRONICS CO., LTD., a
Korean corporation; SAMSUNG ELECTRONICS

16   AMERICA, INC., a New York corporation; and
SAMSUNG TELECOMMUNICATIONS

17   AMERICA, LLC, a Delaware limited liability
company,

18

              Defendants.

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Case No. 11-cv-01846-LHK (PSG)

**[PROPOSED] ORDER GRANTING
APPLE'S RULE 37(b)(2) MOTION
BASED ON SAMSUNG'S
VIOLATION OF THE COURT'S
DECEMBER 22, 2011 ORDER
REGARDING SOURCE CODE**

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[PROPOSED ORDER] GRANTING RULE 37(B)(2) MOT. BASED ON VIOLATION OF DEC. 22 ORDER RE: SOURCE CODE
CASE NO. 11-CV-01846-LHK (PSG)
sf-3115299

1   Pursuant to Federal Rule of Civil Procedure 37 and Local Rule 37-4, Apple Inc. ("Apple")

2 seeks certain remedies based on Samsung Electronics Co., Ltd.'s, Samsung Electronics

3 America, Inc.'s, and Samsung Telecommunications America, LLC's (collectively, "Samsung")

4 material violations of the Court's December 22, 2011 Discovery Order (Dkt. No. 537). That

5 Order required Samsung to produce certain source code by December 31, 2011.

6   Having considered the arguments of the parties and the papers submitted, and GOOD

7 CAUSE HAVING BEEN SHOWN, IT IS ORDERED that Apple's Rule 37(b)(2) Motion Based

8 on Samsung's Violation of the Court's December 22, 2011 Order Regarding Source Code is

9 GRANTED.

10   The Court issues the following findings and orders:

11   1.   The Court finds that Samsung violated this Court's December 22, 2011 Order by

12 failing to produce source code for the accused functionalities for all versions of the accused

13 products by December 31, 2011.

14   2.   Samsung and its experts are precluded from presenting, using, or relying on any

15 source code that was not timely produced under the Court's December 22, 2011 Order.

16   3.   For purposes of assessing infringement by any version of a Samsung accused

17 product, the product version for which Samsung timely produced source code shall be deemed

18 representative of all versions of that product.

19   **IT IS SO ORDERED.**

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21 Dated: April _____, 2012

22   HONORABLE PAUL S. GREWAL
                                      United States Magistrate Judge

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