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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE INC., a California corporation,

Plaintiff,

v.

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,

Defendant.

APPLE INC., a California corporation,

Plaintiff,

v.

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

Defendant.

Civil Action No. 11-CV-01846-LHK

Civil Action No. 12-CV-00630-LHK

STIPULATION AND [PROPOSED] ORDER RE DISCOVERY

1 Apple and Samsung file this Stipulation requesting that the Court approve the following to
2 facilitate and expedite discovery.

3 WHEREAS, Apple and Samsung are currently involved in an action captioned *Apple v.*
4 *Samsung*, Case No. 11-cv-1846-LHK (PSG) (“the 1846 case”);

5 WHEREAS, Apple and Samsung are also currently involved in two investigations before
6 the U.S. International Trade Commission, specifically Investigations No. 337-TA-794 (the “794
7 investigation”) and Investigation No. 337-TA-796 (the “796 investigation”);

8 WHEREAS, on January 30, 2012, the Court entered a “Agreed Upon Protective Order
9 Regarding Disclosure and Use of Discovery Materials” (Docket No. 687) in the 1846 case;

10 WHEREAS, on February 8, 2012, Apple filed an action captioned *Apple v. Samsung*, Case
11 No. 12-cv-0630-LHK (HRL) (“the 630 case”);

12 WHEREAS, the parties believe that many of the same issues regarding confidentiality and
13 other discovery issues will arise in both of these cases; and

14 WHEREAS, the parties believe that adopting the protective order and certain other
15 provisions from the 1846 case will serve to minimize any disputes during the period the parties
16 seek to draft a joint proposed protective order in the 630 case;

17 NOW THEREFORE, IT IS HEREBY STIPULATED and agreed to by and between the
18 parties that:

19 (1) the “Agreed Upon Protective Order Regarding Disclosure and Use of Discovery
20 Materials” (Docket No. 687) (“Protective Order”) entered in *Apple v. Samsung*, Case No. 11-cv-
21 1846-LHK (PSG) is hereby adopted in the 630 case on an interim basis;

22 (2) any document produced or deposition of a party’s witness taken by one of the
23 parties in the 1846 case, the 794 investigation, or the 796 investigation shall be deemed produced
24 in the 630 case without new Bates-numbering; any deposition so produced shall be useable in the
25 630 case as if the deposition were originally noticed and taken in the 630 case; however, any
26 deposition so produced shall not count against the time limits specified in Federal Rule of Civil
27 Procedure 30(d)(1) in the 630 case; and
28

1 (3) the parties will work in good faith with third parties that have produced documents
2 in the 1846 case, the 794 investigation, and the 796 investigation to address use of those
3 documents in the 630 case on an as requested basis; and

4 (4) this Stipulation and Order Re Discovery is limited to the production and use of
5 information in the 630 case and is not intended to, nor shall it, affect any provisions regarding the
6 cross-production and use of such information in proceedings other than the 630 case.

7 .

8 **IT IS SO STIPULATED.**

9 Dated: March 22, 2012

Respectfully submitted,

10 /s/ Richard S.J. Hung

/s/ Kevin P.B. Johnson

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*Counsel for Samsung Electronics Co., Ltd.,
Samsung Electronics America, Inc., and
Samsung Telecommunications America, LLC*

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated:

By: _____
United States Magistrate Judge

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ATTESTATION OF E-FILED SIGNATURE

I, Richard S.J. Hung, am the ECF User whose ID and password are being used to file this Stipulation. In compliance with General Order 45, X.B., I hereby attest that Kevin P.B. Johnson has concurred in this filing.

Dated: March 22, 2012

/s/ Richard S.J. Hung
Richard S.J. Hung