

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE INC.,)	Case No.: C 11-1846 LHK (PSG)
)	
Plaintiff,)	ORDER DENYING SAMSUNG’S
v.)	ADMINISTRATIVE REQUEST FOR
)	LEAVE TO FILE SUR-REPLY
SAMSUNG ELECTRONICS CO., LTD, a)	
Korean corporation; SAMSUNG)	(Re: Docket No. 856)
ELECTRONICS AMERICA, INC., a New York)	
corporation; and SAMSUNG)	
TELECOMMUNICATIONS AMERICA, LLC,)	
a Delaware limited liability company,)	
Defendants.)	

Pursuant to Civ. L.R. 7-3(d) and 7-11, Defendants and counter-claimants Samsung Electronics Co., LTD., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively “Samsung”) have submitted an administrative request for leave to file a sur-reply to Plaintiff Apple Inc.’s (“Apple”) reply in support of its Rule 37(b)(2) motion regarding Samsung’s alleged violation of the court’s January 27, 2012 order respecting damages discovery.

Apple filed its Rule 37(b)(2) motion on February 28, 2012. Samsung filed its opposition brief on March 13, 2012, and Apple filed its reply brief on March 20, 2012. Samsung filed this

1 administrative request on Saturday, April 7, 2012, less than two days before the Monday morning
2 hearing set for the underlying motion and on a weekend when many of the Jewish and Christian
3 faiths celebrate the Passover and Easter holidays. Samsung filed its request without explanation for
4 its delay, citing only Apple's "mischaracterizations and distortions" of certain Samsung witness
5 deposition testimony and Apple's unfounded accusations against Samsung, made in its reply brief.

6 Samsung's request comes too late. Civ. L.R. 7-3(d) authorizes the filing of supplemental
7 material "within 7 days after the reply is filed," in the form of an objection to new evidence that
8 has been submitted in the reply. Civ. L.R. 7-11 requires a party to submit, together with the request
9 for administrative relief, a stipulation or declaration explaining why a stipulation could not be
10 obtained. Samsung has done neither. Moreover, in light of the long lead time that Samsung had to
11 review Apple's reply brief and object to the evidence submitted therein, or to seek a stipulation
12 from Apple to file a sur-reply, the court finds Samsung's delay to be unjustified. The court
13 accordingly DENIES Samsung's request for leave to file a supplemental response.
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15 **IT IS SO ORDERED.**

16 Dated: 4/10/2012

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19 PAUL S. GREWAL
20 United States Magistrate Judge
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