

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., a California corporation,)	Case No.: 11-CV-01846-LHK
)	
Plaintiff,)	ORDER REGARDING PARTIES'
v.)	STATEMENTS NARROWING CLAIMS
)	TO BE ASSERTED AT TRIAL
SAMSUNG ELECTRONICS CO., LTD., A)	
Korean corporation; SAMSUNG)	
ELECTRONICS AMERICA, INC., a New York)	
corporation; SAMSUNG)	
TELECOMMUNICATIONS AMERICA, LLC,)	
a Delaware limited liability company,)	
)	
Defendants.)	

Pursuant to the May 2, 2012 case management order, the parties filed statements identifying the claims they intend to pursue at trial. See ECF Nos. 901, 902, 907. The Court appreciates that the parties have significantly narrowed the claims that will be presented to the jury. However, it appears that further narrowing will be necessary before trial may begin.

By 5:00 p.m. on Monday, May 21, 2012, each party shall file an up to three page statement explaining the potential impact, if any, of the pending and anticipated motions on the scope of the trial. For example, Samsung indicated that it intended to file a motion for summary judgment on May 17, 2012. Apple indicated that it would not file a motion for summary judgment. Both parties indicated that they would file numerous Daubert motions on May 17, 2012. Apple has already filed a motion seeking an adverse jury instruction based on Samsung's spoliation of


1 evidence. Both parties indicated that they each would file one motion to strike late disclosed
2 discovery and theories. If resolution of the pending and anticipated motions does not sufficiently
3 narrow the case for trial, the Court will require the parties to further narrow their respective cases.

4 Apple requests that its claims that will not be tried on July 30, 2012 be set for bench trial
5 after the July 30 jury trial. Alternatively, Samsung requests that the Court order Apple to dismiss
6 these claims with prejudice. Both requests are denied. Instead, the parties are ordered to file by
7 5:00 p.m. on Monday, May 21, 2012, a Stipulation of Dismissal Without Prejudice dismissing both
8 parties' claims that will not be tried on July 30, 2012.

9 Finally, the Court denies Apple's administrative motion for leave to file a response to
10 Samsung's statement identifying claims it will assert at trial.

11 **IT IS SO ORDERED.**

12 Dated: May 10, 2012



LUCY H. KOH
United States District Judge