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LTD., SAMSUNG ELECTRONICS AMERICA,
INC. and SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

APPLE INC., a California corporation,

Plaintiff,

vs.

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

Defendant.

CASE NO. 11-cv-01846-LHK

**[PROPOSED] ORDER GRANTING
SAMSUNG'S MOTION FOR SUMMARY
JUDGMENT**

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THE COURT, having considered Samsung’s Motion for Summary Judgment (the “Motion”), the papers submitted by the parties and argument by counsel, HEREBY ORDERS that Samsung is entitled to judgment under Federal Rule of Civil Procedure 56 as to the following:

1. Samsung’s Second Affirmative Defense (Patent Non-Infringement), as to U.S. Patent 7,844,915, claim 8.
2. Samsung’s Third Affirmative Defense (Patent Invalidity), as to U.S. Patents D618,677 (Invalid as Obvious); D593,087 (Invalid as Obvious); D504,889 (Invalid as Obvious); D604,305 (Anticipated and Invalid as Obvious); D617,334 (Anticipated, Invalid as Obvious, and Invalid Due to the On-Sale Bar); 7,864,163, claim 50 (Anticipated); 7,469,381, claim 19 (Anticipated); and 7,663,607, claim 8 (Anticipated and Invalid as Obvious).
3. Samsung’s Fifth Affirmative Defense (Functionality), as to Apple’s asserted trade dresses.
4. Apple’s claims for damages under its Twenty-Eighth and Twenty-Ninth Counterclaims (Sherman Act and Unfair Competition Law).

IT IS SO ORDERED.

DATED: _____ HON. LUCY H. KOH