

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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,

Defendants.

CASE NO. 11-cv-01846-LHK-PSG

**[PROPOSED] ORDER GRANTING
SAMSUNG’S CONDITIONAL MOTION
FOR RELIEF FROM NONDISPOSITIVE
PRETRIAL ORDER OF MAGISTRATE
JUDGE**

Samsung Electronics Co. Ltd., Samsung Electronics America, Inc., and Samsung
Telecommunications America, LLC (collectively, “Samsung”) have filed Samsung’s Conditional
Motion for Relief From Nondispositive Pretrial Order of Magistrate Judge. By its motion,
Samsung seeks relief from the May 4, 2012 Order Granting Apple's Motion for 37(b)(2) Sanctions
Re December 22 Discovery Order (Dkt. 898.)

Having considered the arguments of the parties and the papers submitted, and GOOD
CAUSE HAVING BEEN SHOWN, the Court hereby GRANTS Samsung’s Conditional Motion
for Relief From Nondispositive Pretrial Order of Magistrate Judge. Specifically, notwithstanding
the May 4, 2012 order, Samsung shall be permitted to introduce as evidence at trial:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1. Source code for the blue glow function as evidence of Samsung’s efforts to design around the '381 patent; and
2. Evidence of design-arounds and non-infringing alternatives other than source code produced after December 31, 2011

IT IS SO ORDERED.

DATED: _____

HONORABLE LUCY H. KOH
United States District Judge