

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

APPLE, INC.,

No. C 11-01846 LHK (JCS)

Plaintiff(s),

v.

**NOTICE OF SETTLEMENT  
CONFERENCE AND SETTLEMENT  
CONFERENCE ORDER**

SAMSUNG ELECTRONICS CO., LTD., ET  
AL.,

Defendant(s).

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter was referred to Magistrate Judge Joseph C. Spero for settlement purposes.

You are hereby notified that a Settlement Conference is scheduled for **May 21, 2012 and  
May 22, 2012, at 9:30 a.m.**, in Courtroom G, 15th Floor, Federal Building, 450 Golden Gate  
Avenue, San Francisco, California 94102.

It is the responsibility of counsel to ensure that whatever discovery is needed for all sides to  
evaluate the case for settlement purposes is completed by the date of the Settlement Conference.

Counsel shall cooperate in providing discovery informally and expeditiously.

Lead trial counsel shall appear at the Settlement Conference with the parties. Any party who  
is not a natural person shall be represented by the person(s) with **unlimited** authority to negotiate a  
settlement. A person who needs to call another person not present before agreeing to any settlement  
does not have full authority. Pursuant to the Order of the District Judge, the Chief Executive Officer  
and the General Counsel of Apple and of Samsung shall attend the settlement conference. An  
insured party shall appear with a representative of the carrier with full authority to negotiate up to  
the limits of coverage. Personal attendance of a party representative will rarely be excused by the

1 Court, and then only upon separate written application demonstrating substantial hardship served on  
2 opposing counsel and lodged as early as the basis for the hardship is known but no later than the  
3 Settlement Conference Statement.

4 **Each party shall prepare a Settlement Conference Statement, which must be LODGED**  
5 **with the undersigned's Chambers as soon as possible, but no later than May 9, 2011.** Please 3-  
6 hole punch the document at the left side.

7 **Each party shall also submit their Settlement Conference Statement in .pdf format and**  
8 **email their statement to JCSPO@cand.uscourts.gov., and to Judge Spero at the email address**  
9 **previously provided to outside counsel.**

10 The Settlement Conference Statement need not be served on opposing counsel. The parties  
11 are encouraged, however, to exchange Settlement Conference Statements. If Settlement Conference  
12 Statements are exchanged, any party may submit an additional confidential settlement letter to the  
13 Court. The contents of this confidential settlement letter will not be disclosed to the other parties.

14 The Settlement Conference Statement shall include the following:

- 15 1. A brief statement of the facts of the case.
- 16 2. A brief statement of the claims and defenses including, but not limited to, statutory or  
17 other grounds upon which the claims are founded, and a **candid** evaluation of the parties' likelihood  
18 of prevailing on the claims and defenses. The more candid the parties are, the more productive the  
19 conference will be.
- 20 3. A list of the key facts in dispute and a brief statement of the **specific** evidence  
21 relevant to a determination of those facts.
- 22 4. A summary of the proceedings to date and any pending motions.
- 23 5. An estimate of the cost and time to be expended for further discovery, pretrial and  
24 trial.
- 25 6. The relief sought, including an itemization of damages.
- 26 7. The party's position on settlement, including present demands and offers and a history  
27 of past settlement discussions. The Court's time can best be used to assist the parties in completing  
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1 their negotiations, not in starting them. The parties are urged to carefully evaluate their case before  
2 taking a settlement position since extreme positions hinder the settlement process.

3 Settlement Conference Statements **may** be submitted on CD-ROM with hypertext links to  
4 exhibits. Otherwise, the portion of exhibits on which the party relies shall be highlighted.

5 The parties shall notify Chambers immediately at (415) 522-3691 if this case settles prior to  
6 the date set for Settlement Conference. Counsel shall provide a copy of this order to each party who  
7 will participate in the conference.

8 IT IS SO ORDERED.

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10 Dated: April 27, 2012

  
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11 JOSEPH C. SPERO  
12 United States Magistrate Judge  
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