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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 DENYING  
APPLE'S MOTION PURSUANT TO  
RULE 62(C) FOR ENTRY OF  
PRELIMINARY INJUNCTION  
WITHOUT FURTHER HEARING**

1 The Court has before it Plaintiff Apple Inc.'s ("Apple's") Motion Pursuant to Rule 62(c)  
2 For Entry of Preliminary Injunction Without Further Hearing (the "Motion"), as well as all  
3 documents and evidence submitted both in support of and opposition to the Motion, including  
4 Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung  
5 Telecommunications America, LLC's, ("Samsung's") Opposition to the Motion. Argument on  
6 the Motion took place on June 7, 2012.

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8 **[ALTERNATIVE 1 - the Court finds that it does not have jurisdiction]**

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10 The Court finds that Federal Rule of Civil Procedure 62(c) does not authorize the Court to  
11 grant the relief Apple seeks by its Motion. Apple's Motion is therefore DENIED.

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13 **[ALTERNATIVE 2 - If the Court finds it has jurisdiction]**

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15 The Court finds that:

- 16 1. the balance of harm tips in Samsung's favor in that the hardship to Apple if the  
17 Motion is not granted does not outweigh the hardship to Samsung if the Motion is granted; and
- 18 2. the public interest would not be served by granting the Motion.

19 The Motion is therefore DENIED.

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21 DATED: \_\_\_\_\_, 2012

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Hon. Lucy H .Koh  
United States District Court Judge

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