

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.: 12-CV-00630-LHK |
| |) | |
| Plaintiff and Counterdefendant, |) | ORDER ON APPLE’S OBJECTIONS TO |
| |) | SAMSUNG’S DISCLOSURES |
| v. |) | |
| |) | |
| SAMSUNG ELECTRONICS CO., LTD., a |) | |
| Korean corporation; SAMSUNG |) | |
| ELECTRONICS AMERICA, INC., a New York |) | |
| corporation; and SAMSUNG |) | |
| TELECOMMUNICATIONS AMERICA, LLC, |) | |
| a Delaware limited liability company, |) | |
| |) | |
| Defendants and Counterclaimants. |) | |
| |) | |

Apple has filed objections to Samsung’s disclosures. ECF No. 1593-3. Samsung has filed a response. ECF No. 1592. After reviewing the parties’ briefing, considering the record in the case, and balancing the considerations set forth in Federal Rule of Evidence 403, the Court rules on Apple’s objections as follows:

| Exhibit Number | COURT’S RULING ON OBJECTION |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DiCarlo Depo. Transcript | Overruled. |
| DX 338 | Overruled. Apple cannot raise the issue of validity during its affirmative case. Samsung bears the burden of proof regarding the invalidity of Apple’s patents, |

| | |
|------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| | and is thus entitled to make the first presentation at trial regarding the issue of validity. |
| Mowry rebuttal expert report | Sustained. |
| DX 411 | Overruled. |
| DX 430 | Overruled. |
| SDX 2351 | Sustained. |
| Snoeren Depo. Transcript and Deposition Exhibits 1-4 | Sustained. |
| APLNDC630-0000879654 | Sustained. |

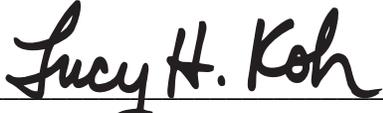
Apple also requests to seal DX 411, DX 415, DX 430, PX 128, and Apple's Supplemental Responses to Interrogatories Nos. 25, 26, 41, 42 (Dated October 4, 2013). ECF No. 1593-3.

Having considered Apple's motion, and compelling reasons having been shown, the Court seals the following documents as follows:

| Exhibit | COURT'S RULING ON SEALING REQUEST |
|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DX 411 | GRANTED, with the exception of pages 1, 2, and 32 which will not be sealed. |
| DX 415 | GRANTED in full. |
| PX 128 | GRANTED in full. |
| DX 430 | GRANTED as to pages 2, 3, and 5, and DENIED as to page 1, 4, and 6. Page 1 is the cover page. Page 6 contains only the Apple logo. The information contained in page 4 is not sealable. |
| Apple's Supplemental Responses to Interrogatories Nos. 25, 26, 41, 42 (Dated October 4, 2013) | GRANTED as to the source code information on pages 83, 91, 336, 340. |

IT IS SO ORDERED.

Dated: April 6, 2014



 LUCY H. KOH
 United States District Judge