

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. 1672-3. Samsung has filed a response. ECF No. 1673-3. 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
Saul Greenberg	
DX 342 (website and	Overruled.

1	manual for neonode reference)	
2	SDX2693	Sustained.
3	<b>Kevin Jeffay</b>	
4	Kevin Jeffay “Witness objection”	Sustained. Dr. Jeffay did not disclose any opinion on the plain and ordinary meaning of “analyzer server” or ““linking actions to the detected structures” in his expert reports, and conceded in his September 2013 deposition that he has not provided any such opinion. Accordingly, Dr. Jeffay may not provide any opinion at trial regarding the plain and ordinary meaning of “analyzer server” or ““linking actions to the detected structures.”
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8	<b>Brewster Kahle</b>	
9	DX 311 (1992 conference paper regarding WAIS)	Overruled if Kahle can authenticate DX 311.
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12	DX 312 (video of 1991 presentation of WAIS)	Overruled.
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14	<b>Ulrich Pfeifer</b>	
15	DX 305 (Summary exhibit of excerpts from emails and postings by persons using freeWAIS-sf)	Overruled. The Court will give a limiting instruction that DX 305 is not admitted for the truth of the matters asserted therein.
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19	<b>Martin Rinard</b>	
20	DX 310 (online discussion post of Applesearch)	Overruled.
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23	<b>Patrick Gogerty</b>	
24	DX 314 (Windows Mobile 5 source code)	Overruled.
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27	DX 326 (Microsoft Smart Client Architecture &	Overruled.
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1	Design Guide)	
2	<b>Jim Lundberg</b>	
3	DX 320 (SUSE Linux 10.0 source code)	Overruled.
4	DX 323 (Novell's Evolution 2.4 user guide)	Overruled.
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6	DX 324 (Novell's GroupWise 6.5 Administration Guide)	Overruled.
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9	<b>Walter Wong</b>	
10	DX 318 (Cyrus IMAP documentation and source code)	Overruled.
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13 Apple also requests to seal various documents. ECF No. 1672-3. Having considered  
14 Apple's motion, and compelling reasons having been shown, the Court seals the following  
15 documents as follows:

16	Exhibit	COURT'S RULING ON SEALING REQUEST
17	DX 302 (Applesearch source code)	GRANTED.
18		
19	Source code file names on page 59 of Apple's supplemental objections and responses to Samsung's interrogatories	DENIED without prejudice. Apple has not provided these objections and responses on ECF so that the Court may evaluate the sealing request. Apple should file the responses by 10 p.m. on April 14, 2014.
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25 **IT IS SO ORDERED.**

26 Dated: April 14, 2014

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LUCY H. KOH  
United States District Judge