

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,)	ORDER RE: JOINT SUBMISSION
)	REGARDING THE SAMSUNG
v.)	GALAXY S III
)	
SAMSUNG ELECTRONICS CO., LTD., a)	(re: dkt #212)
Korean corporation; SAMSUNG)	
ELECTRONICS AMERICA, INC., a New York)	
corporation; and SAMSUNG)	
TELECOMMUNICATIONS AMERICA, LLC,)	
a Delaware limited liability company,)	
)	
Defendants.)	
)	

On June 5, 2012, just two days before the scheduled hearing on Apple’s motion for a preliminary injunction, Apple filed a Motion to Supplement the Record Regarding Samsung’s Galaxy S III Product, seeking to expand the scope of the requested injunction to include Samsung’s Galaxy S III smartphone. See ECF No. 201. Samsung filed an opposition on June 6, 2012, arguing that “[i]t is too late to add new products to the pending motion for a preliminary injunction.” ECF No. 205 at 2. At the June 7, 2012 hearing on the preliminary injunction motion, Apple indicated that it was contemplating filing a motion for a temporary restraining order (“TRO”) to enjoin the Galaxy S III before June 21, 2012, the product’s U.S. release date. The Court advised Apple that if it filed a TRO to enjoin the Galaxy S III before June 21, 2012, the Court’s limited resources would

1 necessitate continuation of the hearing on the parties' summary judgment and *Daubert* motions,
2 currently scheduled for June 21, 2012. The Court ordered Apple to notify the Court by June 8,
3 2012, whether it intended to file a TRO or not.

4 Rather than do so, the parties filed a stipulation on June 8, 2012, in which they propose a
5 procedure for addressing the Samsung Galaxy S III. *See* ECF No. 212. The parties' proposal
6 contemplates additional discovery and briefing regarding the Samsung Galaxy S III at some later,
7 unspecified time, but ostensibly with the expectation that such additional discovery and briefing
8 will take place on an expedited basis. *See* ECF No. 212. Thus, the parties have elected to proceed
9 with their currently scheduled June 21, 2012 hearing on the parties' summary judgment and
10 *Daubert* motions. The pending motion for preliminary injunction is fully briefed, and the Court
11 will not consider any further discovery or briefing. An order on the pending motion for
12 preliminary injunction will issue shortly. If Apple seeks to file a motion to enjoin sales of the
13 Samsung Galaxy S III, Apple will have to request a new hearing date from the Court.

14 **IT IS SO ORDERED.**

15
16 Dated: June 11, 2012



LUCY H. KOH
United States District Judge