

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,  
  
Plaintiff,  
  
vs.  
  
SAMSUNG ELECTRONICS CO., LTD., a  
Korean corporation; SAMSUNG  
ELECTRONICS AMERICA, INC., a New  
York corporation; SAMSUNG  
TELECOMMUNICATIONS AMERICA,  
LLC, a Delaware limited liability company,  
  
Defendants.

CASE NO. 12-CV-00630-LHK (PSG)  
  
**ORDER DENYING JOINT STIPULATION  
AND PROPOSED ORDER REGARDING  
PATENT LOCAL RULE DISCLOSURES**

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,  
Counterclaim-Plaintiffs,  
  
v.  
  
APPLE INC., a California corporation,  
  
Counterclaim-Defendant

1 Plaintiff Apple, Inc. filed this action on February 8, 2012, against Samsung Electronics Co.,  
2 Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC. ECF  
3 No. 1. On May 2, 2012, the Court entered a Minute Order and Case Management Order in which it  
4 set a briefing schedule that provides for twenty-five (25) page opening claim construction briefs  
5 that must be filed by December 21, 2012, twenty-five (25) page rebuttal claim construction briefs  
6 that must be filed by January 25, 2013, and fifteen (15) page reply claim construction briefs that  
7 must be filed by February 8, 2013. See ECF No. 160.

8 On November 9, 2012, the parties submitted a Joint Stipulation and Proposed Order  
9 Regarding Patent Local Rule Disclosures, in which the parties now seek to amend the claim  
10 construction process in a manner that “results in two briefs per party rather than three . . . and  
11 provides for the same volume of briefing for the Court.” ECF No. 299, at 2. Specifically, the  
12 parties seek to file an opening claim construction brief that may use forty (40) pages and a  
13 responsive claim construction brief that may use twenty-five (25) pages. Id. at 2–3. In the  
14 stipulation, the parties further agree that “[n]o party may file a reply brief or any additional  
15 supporting material without leave of court for good cause shown.” Id. at 3.

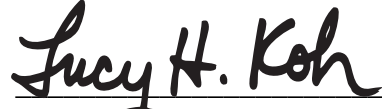
16 While the Court appreciates the parties’ cooperation in this instance to reach a stipulation,  
17 the Court finds that two forty (40) page opening briefs are excessive. Moreover, the Court benefits  
18 from reply briefs and does not want to hear each party’s reply arguments for the first time during  
19 the claim construction hearing. Unfortunately, what is more likely to occur in this case is that,  
20 regardless of the stipulation, each party will file a reply brief with a motion for leave to file such a  
21 brief for good cause shown. The Court will then have to review each reply brief anyway to  
22 determine whether good cause has been shown and whether leave should be granted. The  
23 unnecessary proliferation of motions and additional pages of claim construction briefing are  
24 unwarranted. The Court believes that sixty-five (65) pages of briefing should be sufficient to  
25 construe ten claim terms; certainly one hundred and thirty (130) pages should be more than  
26 sufficient for this case. Therefore, the page limitations for the claim construction briefing will  
27 continue to be governed by the Civil Local Rules.

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Accordingly, the Court DENIES the parties' Joint Stipulation and Proposed Order  
Regarding Patent Local Rule Disclosures.

**IT IS SO ORDERED.**

Dated: November 12, 2012

  
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LUCY H. KOH  
United States District Judge