

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE INC., a California corporation,

Plaintiff,

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.

Case No. 11-cv-01846-LHK (PSG)

**[PROPOSED] ORDER GRANTING
APPLE INC.'S MOTION TO
MODIFY APRIL 29, 2013, CASE
MANAGEMENT ORDER
EXCLUDING EVIDENCE OF
CERTAIN INFUSE 4G SALES OR, IN
THE ALTERNATIVE, FOR LEAVE
TO SEEK RECONSIDERATION OF
THAT ORDER, AND TO CLARIFY
THAT THE ORDER APPLIED
SOLELY TO THE INFUSE 4G**

1 At the Case Management Conference on August 21, 2013, the Court heard argument on
2 Plaintiff Apple Inc.'s ("Apple") Motion to Modify April 29, 2013, Case Management Order
3 Excluding Evidence of Certain Infuse 4G Sales or, in the alternative, for Leave To Seek
4 Reconsideration of that Order, and To Clarify that the Order Applied Solely to the Infuse 4G.
5 Having considered the arguments of the parties and the papers submitted, and good cause
6 appearing therefor, the Court hereby GRANTS Apple's motion and issues the following orders:

7 1. There is good cause to modify the April 29, 2013, Case Management Order (Dkt. No.
8 2316) pursuant to Federal Rule of Civil Procedure 16(d). The following sentence on page 2 of
9 that Order is hereby struck from the Order: "The parties may not introduce any data regarding
10 Infuse 4G sales that occurred prior to May 15, 2011." The parties may introduce evidence of
11 Samsung's infringing sales of the Infuse 4G and of all other products without any restrictions
12 based on paragraph 24 of the JPTS.

13
14 **IT IS SO ORDERED.**

15
16 Dated: _____

Hon. Lucy H. Koh
United States District Judge