

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.: 11-CV-01846-LHK
	)	
Plaintiff and Counterdefendant,	)	
v.	)	ORDER RE: SAMSUNG’S MOTION
	)	PURSUANT TO RULE 50; ORDER RE:
SAMSUNG ELECTRONICS CO., LTD., A	)	APPLE’S MOTION TO STRIKE
Korean corporation; SAMSUNG	)	
ELECTRONICS AMERICA, INC., a New York	)	
corporation; SAMSUNG	)	
TELECOMMUNICATIONS AMERICA, LLC,	)	
a Delaware limited liability company,	)	
	)	
Defendants and Counterclaimants.	)	

On August 16, 2012, at the close of Samsung’s affirmative and defensive cases, Apple moved to strike certain theories based on Samsung’s alleged failure to introduce evidence in support of the theories. The Court made the following rulings on the record with respect to Apple’s motion to strike:

- The Court DENIED Apple’s motion to strike the Fidler tablet.
- The Court DENIED Apple’s motion to strike Itay Sherman’s testimony.

At the close of Apple’s rebuttal and defensive cases, Samsung moved for judgment as a matter of law pursuant to Federal Rule of Civil Procedure 50(a). Rule 50 provides that the Court may grant a motion for judgment as a matter of law against a non-moving party if “the court finds that a reasonable jury would not have a legally sufficient evidentiary basis to find for the party on that issue.”

After considering all of the evidence presented by Apple, the Court made the following rulings on the record with respect to the parties’ claims:


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- The Court DENIED Samsung’s renewed Rule 50 motion raising all of the same arguments Samsung made in its prior Rule 50 motions.
- The Court GRANTED Samsung’s Rule 50 motion as to anticipation of the ’460, ’711, and ’516 Patents. Apple conceded that it had introduced no evidence of anticipation of these three Samsung patents.
- The Court DENIED Samsung’s Rule 50 motion as to anticipation as to the ’893 and ’941 Patents.
- The Court DENIED Samsung’s Rule 50 motion as to obviousness of the ’460, ’893, ’711, ’516, and ’941 Patents.
- The Court DENIED Samsung’s Rule 50 motion as to Apple’s claims of patent exhaustion, antitrust violation, waiver, unclean hands, breach of contract, and equitable estoppel.
- The Court DENIED Samsung’s Rule 50 motion as to rebuttal damages.

**IT IS SO ORDERED.**

Dated: August 17, 2012

  
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 LUCY H. KOH  
 United States District Judge