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11 Attorneys for Plaintiff and
 12 Counterclaim-Defendant APPLE INC.

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN JOSE DIVISION

17 APPLE INC., a California corporation,

18 Plaintiff,

19 v.

20 SAMSUNG ELECTRONICS CO., LTD., a
 Korean business entity; SAMSUNG
 21 ELECTRONICS AMERICA, INC., a New York
 corporation; SAMSUNG
 22 TELECOMMUNICATIONS AMERICA, LLC, a
 Delaware limited liability company,

23 Defendants.
 24

Case No. 11-cv-01846-LHK

**APPLE'S REQUEST FOR DIRECTION
 TO JURY REGARDING USE OF
 INTERNET ON DEVICES IN
 EVIDENCE DURING DELIBERATIONS**

1 Early in the trial, the Court made the following suggestion for jury deliberations: “The
2 jurors will have all of these phones in the jury room. Why don’t we let them just play with them?”
3 (Trial Tr. 1274:13-15.)

4 On Friday, Counsel for Samsung identified a risk inherent in the jury’s use of the accused
5 Samsung products: “There’s some design around activity that happens with over-the-air updates, so
6 you don’t want that to get in the phones.” (Trial Tr. 3557:15-17.) Apple agrees that this is a risk,
7 and urges the Court to provide the jurors with the information they need to avoid inadvertently
8 updating the products and potentially downloading to the devices certain design-arounds precluded
9 from evidence by Judge Grewal. *See* Dkt. No. 898 at 9; *see also* Dkt. No. 1545 at 5.

10 The accused Samsung products in evidence are capable of accessing the Internet. Some
11 devices have active mobile data connections and will automatically connect to the Internet when
12 powered on. Others can connect to the Internet through the Court’s Wi-Fi network. Jurors will
13 need Internet access to use the Web Browser application on the accused Samsung products during
14 their deliberations. This is important because many of the examples of utility patent infringement
15 provided by Apple were demonstrated on web pages viewed in the Web Browser application.

16 Both parties are aware of these issues and previously requested during their respective
17 inspections of each other’s physical devices that the inspecting party avoid installing updates.
18 Because the jury is not as familiar as the parties with these issues, Apple proposes that the Court
19 provide the Device Handling Directions, attached as Exhibit 1, to the jury. It provides clear
20 directions on how to connect to the Court’s Wi-Fi network correctly and directs the jury **not** to
21 accept any software updates.

22 Despite being focused on the exact concern raised by counsel for Samsung, Samsung
23 opposes this request.

24 Dated: August 19, 2012

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26 By: /s/ Michael A. Jacobs
Michael A. Jacobs