

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: APPLE’S REQUEST FOR
)	DIRECTION TO JURY REGARDING
SAMSUNG ELECTRONICS CO., LTD., A)	USE OF INTERNET ON DEVICES IN
Korean corporation; SAMSUNG)	EVIDENCE DURING DELIBERATIONS
ELECTRONICS AMERICA, INC., a New York)	
corporation; SAMSUNG)	
TELECOMMUNICATIONS AMERICA, LLC,)	
a Delaware limited liability company,)	
)	
Defendants and Counterclaimants.)	

Both parties have expressed concerns about jurors’ installing updates and patches that may attempt to design around the patents-in-suit on the accused devices during jury deliberations, but have provided no details. By 8 a.m. Monday, August 20, 2012, each party shall file a statement identifying what updates and patches in any of the accused products attempt to design around the patents-in-suit. Apple asserts that such updates and patches can only be installed if the user accepts them. See ECF No. 1834. Samsung states that such updates or patches can be automatically or inadvertently installed. See ECF No. 1837. In its statement to be filed at 8 a.m. on August 20, 2012, Samsung shall explain how such updates or patches can be automatically or inadvertently installed. The parties shall also be prepared to demonstrate the installation of the patches and updates of concern during the hearing tomorrow on accused products, but not the actual devices that have been admitted into evidence. The Court also requests that the parties provide a small ELMO type projector that the jurors can use in the jury deliberation room, so that the jurors can see the accused devices simultaneously.

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IT IS SO ORDERED.

Dated: August 19, 2012



LUCY H. KOH
United States District Judge

United States District Court
For the Northern District of California