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LTD., SAMSUNG ELECTRONICS AMERICA,  
15 INC. and SAMSUNG  
TELECOMMUNICATIONS AMERICA, LLC  
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17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION  
19

20 APPLE INC., a California corporation,

21 Plaintiff,

22 vs.

23 SAMSUNG ELECTRONICS CO., LTD., a  
Korean business entity; SAMSUNG  
24 ELECTRONICS AMERICA, INC., a New  
York corporation; SAMSUNG  
25 TELECOMMUNICATIONS AMERICA,  
LLC, a Delaware limited liability company,  
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27 Defendant.  
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CASE NO. 11-cv-01846-LHK

**SAMSUNG’S RESPONSE TO ORDER RE:  
APPLE’S REQUEST FOR DIRECTION  
TO JURY REGARDING USE OF  
INTERNET ON DEVICES IN EVIDENCE  
DURING DELIBERATIONS**

1 On Sunday, August 19, 2012 the Court requested that Samsung file a statement explaining  
2 how updates or patches can be automatically or inadvertently installed. (Dkt. 1844 at 1). Such  
3 software updates or patches may occur in two ways.

4 First, there are system updates. These updates may affect, among other things, the native  
5 browser, gallery, and contacts list. For this type of update, the user usually presses a button,  
6 which will cause the upgrade to occur. A user who is unfamiliar with the operation of the device  
7 could inadvertently press this button or press the button intentionally without understanding that it  
8 will change the behavior of the device. Additionally, in at least two situations an update can occur  
9 without user intervention. If the phone is activated through AT&T or T-Mobile, and if an update  
10 has been previously declined three times, the system update can automatically occur the fourth  
11 time; the user has no choice. If a system update occurs under any situation, it may include design-  
12 arounds or other changes that can alter the behavior of the native browser, gallery, and contacts list  
13 on the devices.  
14

15  
16 Second, certain applications may automatically update without user intervention if the  
17 option for “Auto-update apps” is set, for example, in Android Marketplace, which is the Android  
18 app store. Such updates may not require user intervention to download and install automatically.

19 The risk that a juror will inadvertently install an update that will contain a design-around is  
20 real. Samsung reiterates its concern and asks the Court to disallow internet access entirely on  
21 these devices.  
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1 DATED: August 20, 2012

Respectfully submitted,

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