

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: INDEFINITENESS
	)	
SAMSUNG ELECTRONICS CO., LTD.,	)	
a Korean corporation;	)	
SAMSUNG ELECTRONICS AMERICA, INC.,	)	
a New York corporation;	)	
SAMSUNG TELECOMMUNICATIONS	)	
AMERICA, LLC,	)	
a Delaware limited liability company,	)	
	)	
Defendants and Counterclaimants.	)	

Indefiniteness is a legal issue for the Court. *Telcordia Techs., Inc. v. Cisco Sys.*, 612 F.3d 1365, 1376 (Fed. Cir. 2010); *Microprocessor Enhancement Corp. v. Texas Instruments Inc.*, 520 F.3d 1367, 1374 (Fed. Cir. 2008). The Court will not seek an advisory verdict on indefiniteness from the jury. Accordingly, the Court will not issue Samsung’s Proposed Final Jury Instruction No. 19.1: Utility Patents – Indefiniteness. Moreover, Samsung may not argue that claim 50 of the ’163 Patent is indefinite. However, Samsung may argue that the meaning of “substantially centered” is relevant to non-infringement, lack of written description, and invalidity theories other than indefiniteness.

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Apple seeks a curative jury instruction to disregard testimony as to indefiniteness. Such a curative instruction would lead the jury to disregard relevant evidence and thus prejudice Samsung. Accordingly, the Court denies Apple’s request for a curative instruction.

**IT IS SO ORDERED.**

Dated: August 20, 2012

  
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LUCY H. KOH  
United States District Judge

**United States District Court**  
For the Northern District of California