

1 HAROLD J. MCELHINNY (CA SBN 66781)  
 hmcclhinny@mofo.com  
 2 MICHAEL A. JACOBS (CA SBN 111664)  
 mjacobs@mofo.com  
 3 RACHEL KREVANS (CA SBN 116421)  
 rkrevans@mofo.com  
 4 JENNIFER LEE TAYLOR (CA SBN 161368)  
 jtaylor@mofo.com  
 5 ALISON M. TUCHER (CA SBN 171363)  
 atucher@mofo.com  
 6 RICHARD S.J. HUNG (CA SBN 197425)  
 rhung@mofo.com  
 7 JASON R. BARTLETT (CA SBN 214530)  
 jasonbartlett@mofo.com  
 8 MORRISON & FOERSTER LLP  
 425 Market Street  
 9 San Francisco, California 94105-2482  
 Telephone: (415) 268-7000  
 10 Facsimile: (415) 268-7522

WILLIAM F. LEE  
 william.lee@wilmerhale.com  
 WILMER CUTLER PICKERING  
 HALE AND DORR LLP  
 60 State Street  
 Boston, MA 02109  
 Telephone: (617) 526-6000  
 Facsimile: (617) 526-5000

MARK D. SELWYN (SBN 244180)  
 mark.selwyn@wilmerhale.com  
 WILMER CUTLER PICKERING  
 HALE AND DORR LLP  
 950 Page Mill Road  
 Palo Alto, California 94304  
 Telephone: (650) 858-6000  
 Facsimile: (650) 858-6100

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.,  
 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 (PSG)

**APPLE'S MOTION REGARDING  
 SCHEDULE FOR BRIEFING OF  
 NON-JURY CLAIMS**

25  
 26  
 27  
 28

1 On August 28 and 29, 2012, the Court issued two orders providing a briefing and hearing  
 2 schedule for many—but not all—of the issues remaining to be decided in this case. (Dkt. Nos.  
 3 1945 and 1946.) Apple Inc. (“Apple”) respectfully requests that the Court set a briefing schedule  
 4 for the additional non-jury issues that are to be decided under Fed. R. Civ. P. 52(a) and proposes a  
 5 schedule that would allow those issues to be addressed at the hearing presently scheduled for  
 6 December 6, 2012.

7 ***1. Apple’s and Samsung’s Motions Pursuant to Rules 50, 52(b), 59, and 60***

8 The Court has already ordered that any motions filed pursuant to Fed. R. Civ. P. 50, 52(b),  
 9 59, or 60 be briefed and argued according to the following schedule (Dkt. No. 1945):

Filing	Deadline
Motions Pursuant to Rules 50, 52(b), 59, and 60 (1 per side, max. 30 pages)	September 21, 2012
Oppositions (max. 30 pages)	October 19, 2012
Replies (max. 20 pages)	November 9, 2012
Hearing	December 6, 2012, at 1:30 p.m.

15  
 16 ***2. Non-Jury Claims To Be Decided Under Rule 52(a)***

17 In addition to those claims tried to the jury, there are still several non-jury claims and  
 18 issues that require the Court to make findings of fact and conclusions of law pursuant to Fed. R.  
 19 Civ. P. 52(a). More specifically, Apple’s claims of waiver, equitable estoppel, unclean hands,  
 20 and unfair competition remain pending.

21 Apple requests that the Court enter a briefing schedule that allows these non-jury claims  
 22 to be briefed and ready for argument at the December 6, 2012 hearing, if the Court deems any  
 23 argument necessary. Apple proposes the following schedule and page limits for all claims and  
 24 issues to be decided by the Court pursuant to Fed. R. Civ. P. 52(a):

Filing	Deadline
Apple’s motion on all non-jury claims including waiver, equitable estoppel, unclean hands, and unfair competition (max. 20 pages)	September 21, 2012

