

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 GRANTING IN PART APPLE’S
)	MOTION REGARDING SCHEDULE
SAMSUNG ELECTRONICS CO., LTD.,)	FOR BRIEFING OF NON-JURY
a Korean corporation;)	CLAIMS
SAMSUNG ELECTRONICS AMERICA, INC.,)	
a New York corporation; and)	(re: dkt. #1956)
SAMSUNG TELECOMMUNICATIONS)	
AMERICA, LLC,)	
a Delaware limited liability company,)	
)	
Defendants and Counterclaimants.)	

On September 4, 2012, Apple filed a Motion Regarding Schedule for Briefing of Non-Jury Claims, requesting that the Court set a briefing schedule for additional non-jury issues to be decided under Federal Rule of Civil Procedure 52(a), namely Apple’s claims of waiver, equitable estoppel, unclean hands, and unfair competition. ECF No. 1956. On September 9, 2012, Samsung filed an opposition to Apple’s motion, arguing that: (1) the Court’s August 28, 2012 Scheduling Order requires Apple to raise any equitable claims in its Rule 50 motion and forecloses any additional briefing; (2) Apple’s equitable claims are moot or will be mooted by the Court’s rulings on the parties’ Rule 50 motions; and (3) if Apple is granted additional briefing on its non-jury claims, then Samsung should also be granted additional briefing on its non-jury claims, namely

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1 indefiniteness of the '163 Patent and Apple's design patents. ECF No. 1961. Apple filed a reply
2 on September 10, 2012. ECF No. 1962.


3 The Court's August 28, 2012 Order set forth a briefing schedule on all motions that the
4 parties had thus far identified they intended to bring. It did not foreclose the parties from bringing
5 separate motions on equitable issues and issues of law not presented to the jury at trial.
6 Accordingly, Apple's motion is GRANTED in part. The Court sets the following briefing schedule
7 on the parties' respective motions on all outstanding non-jury issues:

Filing	Deadline
Apple's motion on all non-jury claims, including waiver, equitable estoppel, unclean hands, and unfair competition (max. 12 pages)	September 21, 2012
Samsung's opposition (max. 12 pages)	October 5, 2012
Apple's reply (max. 7 pages)	October 12, 2012
Hearing	December 6, 2012, at 1:30 p.m.

Filing	Deadline
Samsung's motion on all non-jury claims, including indefiniteness (max. 12 pages)	September 21, 2012
Apple's opposition (max. 12 pages)	October 5, 2012
Samsung's reply (max. 7 pages)	October 12, 2012
Hearing	December 6, 2012, at 1:30 p.m.

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20 **IT IS SO ORDERED.**

21
22 Dated: September 12, 2012

23 
24 LUCY H. KOH
25 United States District Judge