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 12 Attorneys for Plaintiff and
 Counterclaim-Defendant APPLE INC.

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 14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN JOSE DIVISION

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 18 APPLE INC., a California corporation,
 19 Plaintiff,
 20 v.
 21 SAMSUNG ELECTRONICS CO., LTD., a
 Korean corporation; SAMSUNG
 22 ELECTRONICS AMERICA, INC., a New
 York corporation; and SAMSUNG
 23 TELECOMMUNICATIONS AMERICA,
 LLC, a Delaware limited liability company,
 24 Defendants.

Case No. 11-cv-01846-LHK (PSG)

**[PROPOSED] ORDER GRANTING
 APPLE'S MOTION ON NON-JURY
 CLAIMS INCLUDING WAIVER,
 EQUITABLE ESTOPPEL,
 UNCLEAN HANDS, AND UNFAIR
 COMPETITION**

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 28 **[PROPOSED] ORDER GRANTING APPLE'S MOTION ON NON-JURY CLAIMS INCLUDING
 WAIVER, EQUITABLE ESTOPPEL, UNCLEAN HANDS, AND UNFAIR COMPETITION**
 CASE No. 11-cv-01846-LHK (PSG)

1 Before the Court is the Motion on Non-Jury Claims Including Waiver, Equitable Estoppel,
2 Unclean Hands, and Unfair Competition brought by Plaintiff Apple Inc. (“Apple”) against
3 Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung
4 Telecommunications America, Inc. (collectively “Samsung”).

5 WHEREAS, based on the submissions in connection with this motion and the record in
6 this action, the Court finds and concludes that Apple has shown that Samsung’s conduct before
7 ETSI and with respect to its FRAND commitments was so inconsistent with an intent to enforce
8 its declared-essential patents, including U.S. Patent No. 7,447,516 (“the ’516 patent”) and U.S.
9 Patent No. 7,675,941 (“the ’941 patent”), as to induce a reasonable belief that such rights had
10 been relinquished; that Samsung’s misleading conduct before ETSI and with respect to its
11 FRAND commitments led Apple to reasonably infer that Samsung did not intend to enforce its
12 declared-essential patents, including the ’516 and ’941 patents, against Apple and that Apple
13 relied on that misleading conduct and would be prejudiced if Samsung’s claims were permitted to
14 go forward; that Samsung has failed to act fairly and without fraud or deceit with respect to its
15 declared-essential patents, including the ’516 and ’941 patents; and that Samsung has engaged in
16 unfair practices that have caused Apple to lose money or property;

17 NOW THEREFORE, having considered the entire record in this action, the verdict of the
18 jury and the papers submitted by the parties, and having weighed the equities,

19 IT IS HEREBY ORDERED:

20 A. Judgment is granted in favor of Apple, and against Samsung, that Samsung has
21 waived its rights to enforce U.S. Patent No. 7,447,516 (“the ’516 patent”) and U.S. Patent No.
22 7,675,941 (“the ’941 patent”) against UMTS-compliant products.

23 B. Judgment is granted in favor of Apple, and against Samsung, that Samsung is
24 equitably estopped from enforcing the ’516 and ’941 patents against UMTS-compliant products.

25 C. Judgment is granted in favor of Apple, and against Samsung, that Samsung has
26 acted with unclean hands with respect to the ’516 and ’941 patents.

27 D. Judgment is granted in favor of Apple, and against Samsung, that Samsung has
28 violated the California Unfair Competition Law, Cal Bus. & Prof. Code §§ 17203, 17204.

1 E. Samsung's '516 and '941 patents are unenforceable against any and all UMTS-
2 compliant products.

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4 **IT IS SO ORDERED.**

5 Dated: _____, 2012

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7 HONORABLE LUCY H. KOH
8 United States District Judge

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