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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

APPLE INC., a California corporation,

Plaintiff,

vs.

SAMSUNG ELECTRONICS CO., LTD., a
Korean business entity; SAMSUNG
ELECTRONICS AMERICA, INC., a New
York corporation; SAMSUNG
TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,

Defendants.

CASE NO. 11-cv-01846-LHK-PSG

**[PROPOSED] ORDER DENYING
APPLE’S MOTION TO COMPEL
DEPOSITIONS OF SAMSUNG
DECLARANTS**

The Court has considered Apple’s Motion to Compel Depositions of Samsung Declarants (Dkt. 2082) and the opposition submitted by Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively, “Samsung”).

[Alternative 1]

The Court finds that the post-trial schedule set by the Court does not provide for post-trial discovery, and that Apple has not shown good cause to modify that schedule. Accordingly, Apple’s motion is DENIED

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[Alternative 2]

Apple has shown good cause to modify the August 28, 2012 scheduling order to permit limited post-trial depositions. Accordingly, Apple’s motion is GRANTED. However, the Court hereby Orders that post-trial discovery shall apply equally to both parties. Thus, the Court Orders that Apple may depose each of the four witnesses that were identified in its motion, for no more than 4 hours each, on or before November 6, 2012 (Apple shall accommodate the scheduling constraints of the witnesses, and depose Dr. Wind On November 2, and Dr. Erdem on November 5). Samsung shall be similarly permitted to depose up to 4 declarants, for no more than 4 hours each, on or before November 6, 2012. In the event Apple submits new declarations with its reply memorandum, Samsung shall be permitted the opportunity to depose any such declarants for no more than 4 hours each, on or before November 16, 2012, and in any event Samsung shall be permitted leave to file a supplemental memorandum in opposition to Apple’s motion for permanent injunction and enhancements, up to 5 pages, limited to addressing any deposition testimony from the post-trial depositions it has taken. Any such supplemental opposition shall be filed by November 23, 2012.

IT IS SO ORDERED.

DATED: _____, 2012

Honorable Paul S. Grewal
United States Magistrate Judge