

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,)	
v.)	ORDER DENYING LEAVE TO FILE
)	SUPPLEMENTAL DECLARATION
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.)	

On December 4, 2012 – two days before the Court’s scheduled hearing on post-trial motions in this case – Samsung filed an administrative request for leave to file a supplemental declaration of Stephen Gray in support of Samsung’s opposition to Apple’s motion for a permanent injunction (“Request”). ECF No. 2183-1. Apple has opposed this request. ECF No. 2187-2. Samsung contends that the “Supplemental Gray Declaration rebuts Apple’s new allegations and is relevant to Apple’s pending request for a permanent injunction.” Request. at 1. By its very nature, this request necessarily seeks to introduce substantive arguments not addressed in Samsung’s briefing, within the page limits established by this Court’s Order Regarding Post-Trial Proceedings (“Post-Trial Order”). See ECF No. 1945. In the Post-Trial Order, this Court clearly explained that “[a]ny argument that is not explicitly articulated within the briefing page limits will be disregarded.” *Id.* at 1. Thus, Samsung may not make new arguments in a filing that is submitted

1 significantly after briefing has closed. Accordingly, Samsung’s request for leave to file is
2 DENIED.

3 In addition, Samsung has filed a motion to file the Supplemental Gray Declaration and its
4 supporting exhibits under seal. ECF No. 2183. Because the Court has ruled that the declaration
5 may not be filed at all, the request to file it and its supporting exhibits under seal is DENIED as
6 moot.

7 **IT IS SO ORDERED.**

8 Dated: December 11, 2012



LUCY H. KOH
United States District Judge

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