

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE INC.,
Plaintiff,
v.
SAMSUNG ELECTRONICS CO. LTD., et
al.,
Defendants.

Case No. 11-CV-01846-LHK
CASE MANAGEMENT ORDER

The Court received the mandate from the Federal Circuit Court of Appeals today and issues the instant case management order.

Apple’s Request for Entry of Partial Final Judgment

Apple shall respond to Samsung’s Objections to Apple’s Proposed Partial Final Judgment, ECF No. 3269, by no later than September 8, 2015. Apple’s response shall clarify whether Apple is seeking entry of partial final judgment without supplemental damages and prejudgment interest. No further briefing may be filed.

Samsung’s Motion for Entry of Judgment of Invalidity on the ‘915 Patent and Stay

Apple’s response shall be filed no later than September 9, 2015. Samsung’s reply shall be

1 filed no later than September 16, 2015. No further briefing may be filed.

2 Case Management Conference

3 The Court will hold a case management conference in Courtroom One on the fifth floor of
4 the San Jose Courthouse on September 18, 2015 at 2 p.m. The parties shall file a Joint Case
5 Management Statement by September 11, 2015, which addresses, among other things, the timing
6 and the quantity of supplemental damages and prejudgment interest that should be ordered on the
7 damages award affirmed by the Federal Circuit Court of Appeals. The parties shall also address
8 whether they are willing to engage in alternative dispute resolution, and if so, what form, with
9 whom, and when.

10 The instant retrial on damages will be the parties' fourth jury trial before this Court, third
11 jury trial in the instant case, and second damages retrial in the instant case. The sole purpose of
12 the instant damages retrial is to determine the amount of damages for the infringement of Apple's
13 '163, '381, '915, D'305, D'677 and/or D'087 Patents by five Samsung products: the Fascinate,
14 Galaxy S4G, Galaxy S Showcase, Mesmerize, and Vibrant. The Court will not allow substitution
15 of damages experts absent extraordinary circumstances such as Mr. Musika's death after the 2012
16 jury trial. The Court will not allow supplemental fact discovery. The Court will not permit the
17 parties to expand the scope of the damages retrial and will not allow the parties to rely on new
18 sales data, new products, new methodologies or new theories.

19 The 2013 damages retrial involved thirteen products and lasted a total of 8 days, which
20 consisted of one day for jury selection; four days for opening statements, evidence, reading the
21 final jury instructions, and closing slide objections and rulings; one day for closing arguments and
22 deliberations; and two additional days of deliberations.

23 The instant damages retrial involves only five products, which is eight fewer products than
24 the 2013 damages retrial, so seven days of trial suffice. Each side will have forty-five minutes for
25 opening statements, one hour for closing arguments, and six hours for evidence.

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The Court requests that the parties propose a case schedule that includes the following. On different Thursdays in February 2016, a hearing on motions to strike and a pretrial conference. A seven consecutive days jury trial in March and/or April 2016. A hearing on post-trial motions on a Thursday on or between May 5 and June 2, 2016.

The Court’s prior rulings on the parties’ *Daubert* motions, motions in limine, discovery disputes, and evidentiary objections will remain in effect as law of the case. The parties may not relitigate these issues.

Each side is limited to one motion to strike, which may not exceed five pages. Each side’s opposition shall not exceed five pages. Each side’s reply shall not exceed three pages.

Each side is limited to three motions in limine per side. Motions and oppositions are limited to three pages. No replies will be entertained.

The Court will empanel 8 jurors. Each side may exercise up to 3 peremptory challenges.

Before the parties file any motions in this case, lead trial counsel must meet and confer in person. A declaration confirming compliance with this requirement must be filed with every motion.

IT IS SO ORDERED.

Dated: September 1, 2015



LUCY H. KOH
United States District Judge