

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**

Plaintiff's Attorneys: Harold McElhinny, Rachel Krevans, William Lee, Mark Selwyn  
Defendant's Attorneys: Victoria Maroulis, Carl Anderson

A case management conference was held on September 18, 2015. A further case management conference is set for December 10, 2015, at 1:30 p.m. The parties shall file their joint case management statement by December 3, 2015.

For the reasons stated on the record, Samsung's motion for judgment as a matter of law on the invalidity of the '915 patent and for a stay of proceedings is DENIED, and Apple's request for entry of partial final judgment is GRANTED.

By Monday, September 28, 2015, the parties shall file a Joint ADR Statement indicating whether or not the parties have agreed to participate in a settlement conference with Magistrate Judge Spero with a settlement conference deadline of November 15, 2015.

By Wednesday, September 30, 2015, Samsung shall file and serve a Supplemental Damages Statement that identifies all design arounds for the 5 products subject to supplemental

1 damages. For each of these design arounds, the Supplemental Damages Statement shall state the  
2 following:

- 3 (1) The basis upon which Samsung believes the design around avoids infringement of the  
4 relevant patent claim;
- 5 (2) the first day any design around product was available for sale in the U.S.;
- 6 (3) the first day any design around software was available for downloading in the U.S.;
- 7 (4) whether the design around was raised at trial, and if so, the corresponding exhibit  
8 number(s) and trial transcript citation(s);
- 9 (5) if the design around was not raised at trial, an explanation for why it was not raised,  
10 e.g. an identification of orders supporting Samsung's claim that Samsung was  
11 precluded from raising a design around at trial, but not in post-trial motions; and
- 12 (6) the sales unit numbers for each product. Samsung may redact the sales unit numbers  
13 from the public version of the Supplemental Damages Statement.

14 By September 30, 2015, Samsung additionally shall deliver to Apple physical samples  
15 incorporating each design around identified in the Supplemental Damages Statement. Samsung  
16 need not deliver physical samples to the Court unless ordered otherwise at a later time.

17 By October 9, 2015, the parties shall file a joint statement of 5 pages per side on the issue  
18 of whether Samsung waived its design around arguments and whether this Court's methodology  
19 for calculating supplemental damages was challenged on appeal.

20 The Court ordered Mr. Anderson to file a notice of appearance in this case on September  
21 18, 2015. He has done so. ECF No. 3286.

22 The parties' rolling lists of the next seven witnesses, witness disclosures, and witness  
23 objections shall be made according to the timeframes used in the previous damages retrial. The  
24 deadlines for the exchange of opening statement demonstratives and objections to opening  
25 statement demonstratives shall be set at the pretrial conference. The parties shall be limited to 50  
26 slides each for opening statements.

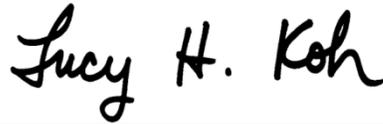
27 The Court set the following case schedule:

Scheduled Event	Date
Samsung's Financial Production for Supplemental Damages and Supplemental Damages Statement	September 30, 2015
Apple's Updated Expert Reports	November 6, 2015
Samsung's Updated Expert Reports	November 6, 2015
Further CMC and Hearing on Cross Motions regarding Costs	December 10, 2015 at 1:30 p.m.
Close of Expert Depositions on Updated Reports	December 11, 2015
Motions to Strike Expert Reports	Opening briefs: December 18, 2015

1		Opposition briefs: January 14, 2015 Reply briefs: January 21, 2016 Hearing: February 11, 2016
2	Joint Identification of Trial Witnesses	January 22, 2016
3	Joint Pretrial Statement	February 18, 2016
4	Pretrial Conference	March 3, 2016
5	Trial dates	March 28, 29, 30, and 31, 2016 and April 1,4, and 5, 2016
6	Post-trial motions:	Opening briefs: April 21, 2016 Opposition briefs: May 5, 2016 Reply briefs: May 12, 2016 Hearing: June 2, 2016 at 1:30 p.m.

**IT IS SO ORDERED.**

Dated: September 18, 2015



LUCY H. KOH  
United States District Judge

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Northern District of California

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