

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE, INC., a California corporation,)	Case No.: 11-CV-01846-LHK
)	
Plaintiff,)	ORDER ON SAMSUNG'S
)	OBJECTIONS TO TRIAL EXHIBITS OF
v.)	CHRISTOPHER STRINGER
)	
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.)	
)	

I. SAMSUNG'S OBJECTIONS TO TRIAL EXHIBITS OF CHRISTOPHER STRINGER

Samsung has filed objections to thirteen of Apple's exhibits to be used during the direct examination of Christopher Stringer. After reviewing the parties' briefing, considering the record in the case, and balancing the considerations set forth in Federal Rule of Evidence 403, the Court rules on Apple's objections as follows:

EXHIBIT NUMBER	COURT'S RULING ON OBJECTION
PX1, PX2, PX165, PX166, PX167, PX168, PX170, PX171	Overruled. Apple is introducing phones timely produced during discovery and photographs of these phones.

PX3, PX4	Overruled. Mr. Stringer is an industrial designer and may be competent to testify regarding trends that he observed in the design of publically available phones. Moreover, although PX3 and PX4 present only a selection of Samsung phones, both exhibits are probative of Apple's copying allegations. The risk of unfair prejudice of PX3 and PX4 does not substantially outweigh their probative value, therefore they are admissible.
PX157	Sustained. PX157 is inadmissible hearsay. It does not qualify for the public record exception to the hearsay rule because it is not produced by a public office nor does it set out that office's activities as required by Rule 803(8). Moreover, Apple's proposed non-hearsay use is still hearsay: "illustrat[ing] Mr. Stringer's testimony" is still using the exhibit for the truth of the matter asserted, namely that Apple won a design award.
PX162, PX164	Overruled. The CAD drawings shown in PX162 and PX164 were produced in July 2011, and were therefore made available in a timely manner.

IT IS SO ORDERED.

Dated: July 30, 2012



LUCY H. KOH
United States District Judge