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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION
16

17 APPLE INC., a California corporation,

18 Plaintiff,

19 v.

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

23 Defendants.
24

Case No. 11-cv-01846-LHK (PSG)

**JOINT PRELIMINARY
STATEMENT PROPOSING
POST-VERDICT PROCEEDINGS**

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Pursuant to the Court's July 19, 2012 Minute Order and Case Management Statement (Dkt. No. 1267), the parties submit the following preliminary statement proposing post-verdict proceedings.

Apple's position: Apple proposes that, upon a jury verdict of liability, the Court entertain expedited briefing on a preliminary injunction according to the following schedule:

- **Apple's opening brief:** 7 days after the verdict
- **Samsung's opposition brief:** 14 days after the verdict
- **Apple's reply brief:** 17 days after the verdict
- **Decision on preliminary injunction:** On the papers or after an expedited hearing.

This schedule is consistent with Judge Bryson's observation in the first appeal in these proceedings that a preliminary injunction can be entered "immediately at the end of trial." (Oral recording at <http://oralarguments.cafc.uscourts.gov/default.aspx?fl=2012-1105.mp3> at 12:23-47.) The Court then can conduct a subsequent permanent injunction hearing according to a less abbreviated schedule of its choosing.

Apple agrees with Samsung that other post-trial motions can follow the ordinary schedule (e.g., with opening briefs due 28 days after entry of judgment or the jury is discharged under Fed. R. Civ. P. 50).

Samsung's position: Samsung proposes that the Court rule on the parties' respective requests for a permanent injunction only after it has the opportunity to decide post-trial briefing pursuant to Rule 50. Thus, Samsung proposes the following schedule:

Briefing on Judgment as a Matter of Law

- **Opening briefs:** 28 days from entry of judgment
- **Opposition briefs:** 14 days after opening briefs;
- **Reply briefs:** 7 days after opposition briefs;

Briefing on Permanent Injunction

- **Opening briefs:** 21 days from order on motions for judgment as a matter of law
- **Opposition briefs:** 21 days after opening briefs

- 1 • **Reply briefs:** 14 days after opposition

2 While Samsung believes that the Court should resolve its request for a permanent injunction as
3 soon as possible, grant of a permanent injunction prior to rulings on briefs for judgment as a
4 matter of law would be premature and inefficient. The fact that Judge Bryson posed to Apple's
5 counsel a question in which he noted the possibility that a court could grant an injunction
6 immediately after trial is not an endorsement of that procedure. To the contrary, the Court's
7 resources would be wasted deciding a request for preliminary injunction if the verdict on the
8 claim that forms the basis for the injunction is later overturned pursuant to Rule 50. To avoid this
9 inefficiency, the Court should first resolve motions for judgment as a matter of law before
10 determining whether to grant a preliminary injunction.

11
12 Dated: August 1, 2012

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15 By: /s/ Michael A. Jacobs
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ATTESTATION

I, Michael A. Jacobs, am the ECF User whose ID and password are being used to file this Declaration. In compliance with General Order 45, X.B., I hereby attest that Victoria F. Maroulis has concurred in this filing.

Dated: August 1, 2012

/s/ Michael A. Jacobs
Michael A. Jacobs