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12 Attorneys for Plaintiff and
Counterclaim-Defendant APPLE INC.

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

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18 APPLE INC., a California corporation,

19 Plaintiff,

20 v.

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

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

**APPLE'S MOTION FOR LEAVE
TO FILE SUR-REPLY TO
SAMSUNG'S MOTION FOR DE
NOVO DETERMINATION OF
DISPOSITIVE MATTER
REFERRED TO MAGISTRATE
JUDGE, IN THE ALTERNATIVE,
MOTION FOR RELIEF FROM
NONDISPOSITIVE PRETRIAL
ORDER OF MAGISTRATE
JUDGE**

1 Samsung persists in seeking *de novo* review of Judge Grewal's Order that an adverse
2 inference instruction be given, but its Reply Memorandum raises an entirely new argument for
3 why *de novo* review is required. Samsung argues, for the first time on reply, that a federal
4 magistrate judge lacks inherent power to impose sanctions. (*Compare* Dkt. No. 1579 (Reply) at
5 7-9 *with* Dkt. No. 1392 (Mot.) at 2-3.) Apple moves for permission to file the attached sur-reply
6 memorandum to rebut this new argument.

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8 Dated: August 8, 2012

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10 By: /s/ Michael A. Jacobs
Michael A. Jacobs

11 Attorneys for Plaintiff
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