

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

APPLE INC.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD, a  
Korean corporation; SAMSUNG  
ELECTRONICS AMERICA, INC., a New York  
corporation; and SAMSUNG  
TELECOMMUNICATIONS AMERICA, LLC,  
a Delaware limited liability company,

Defendants.

Case No.: C 11-1846 LHK (PSG)

**ORDER DENYING SAMSUNG'S  
ADMINISTRATIVE REQUEST FOR  
LEAVE TO FILE SUR-REPLY**

(Re: Docket No. 856)

Pursuant to Civ. L.R. 7-3(d) and 7-11, Defendants and counter-claimants Samsung Electronics Co., LTD., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively "Samsung") have submitted an administrative request for leave to file a sur-reply to Plaintiff Apple Inc.'s ("Apple") reply in support of its Rule 37(b)(2) motion regarding Samsung's alleged violation of the court's January 27, 2012 order respecting damages discovery.

Apple filed its Rule 37(b)(2) motion on February 28, 2012. Samsung filed its opposition brief on March 13, 2012, and Apple filed its reply brief on March 20, 2012. Samsung filed this

1 administrative request on Saturday, April 7, 2012, less than two days before the Monday morning  
2 hearing set for the underlying motion and on a weekend when many of the Jewish and Christian  
3 faiths celebrate the Passover and Easter holidays. Samsung filed its request without explanation for  
4 its delay, citing only Apple's "mischaracterizations and distortions" of certain Samsung witness  
5 deposition testimony and Apple's unfounded accusations against Samsung, made in its reply brief.

6 Samsung's request comes too late. Civ. L.R. 7-3(d) authorizes the filing of supplemental  
7 material "within 7 days after the reply is filed," in the form of an objection to new evidence that  
8 has been submitted in the reply. Civ. L.R. 7-11 requires a party to submit, together with the request  
9 for administrative relief, a stipulation or declaration explaining why a stipulation could not be  
10 obtained. Samsung has done neither. Moreover, in light of the long lead time that Samsung had to  
11 review Apple's reply brief and object to the evidence submitted therein, or to seek a stipulation  
12 from Apple to file a sur-reply, the court finds Samsung's delay to be unjustified. The court  
13 accordingly DENIES Samsung's request for leave to file a supplemental response.  
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15 **IT IS SO ORDERED.**

16 Dated: 4/10/2012

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19 PAUL S. GREWAL  
20 United States Magistrate Judge  
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