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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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10 APPLE INC., a California corporation,

11 Plaintiff,

12 v.

13 SAMSUNG ELECTRONICS CO., LTD., a
14 Korean business entity; SAMSUNG
15 ELECTRONICS AMERICA, INC., a New
16 York corporation; SAMSUNG
17 TELECOMMUNICATIONS AMERICA,
18 LLC, a Delaware limited liability company,

Defendants.

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18 SAMSUNG ELECTRONICS CO., LTD., a
19 Korean corporation; SAMSUNG
20 ELECTRONICS AMERICA, INC., a New
21 York corporation, and SAMSUNG
22 TELECOMMUNICATIONS AMERICA,
23 LLC, a Delaware limited liability company,
24 Counterclaim-Plaintiffs,

v.

23 APPLE INC., a California corporation,

24 Counterclaim-Defendant

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12-cv-00630 LHK

CASE NO. ~~11-cv-01846-LHK~~

**JOINT STIPULATION AND
[PROPOSED] ORDER
REGARDING MOTIONS TO AMEND
INFRINGEMENT CONTENTIONS**

12-cv-00630 LHK

Case No. ~~11-cv-01846-LHK~~

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The parties, through their respective counsel of record, hereby stipulate and agree as follows:

WHEREAS, Apple Inc. (“Apple”) commenced the above-captioned action (the “Litigation”) against Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively “Samsung,” and together with Apple, “the parties” and individually each a “Party”) on February 8, 2012;

WHEREAS, on May 2, 2012, the Court entered a Minute Order and Case Management Order (Dkt. 160);

WHEREAS, on June 15, 2012, the parties served infringement contentions pursuant to Patent Local Rule 3-1;

WHEREAS, on October 1, 2012, Samsung moved for leave to amend its infringement contentions to assert infringement by the iPhone 5 (Dkt. 267), and on October 5, 2012, Apple moved for leave to amend its infringement contentions to assert infringement by the Galaxy Note 10.1, among other changes (Dkt. 269);

WHEREAS, on November 15, 2012, the Court granted Samsung’s and Apple’s motions for leave to amend infringement contentions (Dkt. 302);

WHEREAS, on November 19, 2012, Samsung served amended infringement contentions asserting infringement by the iPod touch (5th Generation), iPad (4th Generation), and the iPad mini, among other changes, and on November 21, 2012, moved for leave to so amend its contentions (Dkt. 304);

WHEREAS, on November 23, 2012, Apple moved for leave to amend its infringement contentions to assert infringement against (1) the Galaxy S III running the Android Jelly Bean operating system, (2) the Galaxy Note II, (3) the Galaxy Tab 8.9 running Ice Cream Sandwich, (4) the Galaxy Tab 2 10.1, (5) the Rugby Pro, and (6) the Galaxy S III Mini, and to correct typographical errors (Dkt. 306);

1 WHEREAS, Samsung represents that it is not making, using, selling, offering to sell or
2 importing the Galaxy S III Mini into the United States, has not done so in the past, and that there
3 are no immediate plans to release the Galaxy S III Mini in the United States;

4 WHEREAS, the parties have met and conferred to reach agreement regarding their
5 respective motions to amend their infringement contentions.

6 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties as
7 follows:

8 1. Apple does not oppose the relief sought by Samsung in its motion for leave to
9 amend infringement contentions (Dkt. 304) and Samsung may amend its infringement contentions
10 accordingly.

11 2. Apple withdraws from its motion for leave to amend infringement contentions
12 (Dkt. 306) its request to assert infringement against the Galaxy S III Mini. This withdrawal is
13 without prejudice to Apple's right to move to assert infringement against the Galaxy S III Mini
14 should Samsung make, use, sell, offer to sell, or import the Galaxy S III Mini into the United
15 States.

16 3. Samsung does not oppose the remaining relief sought by Apple in its motion for
17 leave to amend infringement contentions (Dkt. 306) and Apple may amend its infringement
18 contentions accordingly.

19 **IT IS SO STIPULATED.**

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Dated: January 15, 2013

Respectfully submitted,

/s/ H. Mark Lyon [[with permission]]

/s/ Todd Briggs [[with permission]]

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January 16, 2013

By: 
Honorable Paul S. Grewal
United States Magistrate Judge

