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Counsel for T-Mobile U.S.A., Inc.

12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

15 IN RE TFT-LCD (FLAT PANEL)
 16 ANTITRUST LITIGATION

17 This Document Relates to
 18 Case C 3:11-02591 SI

Master File No. C M:07-01827 SI

Individual Case No. C 3:11-02591 SI

MDL NO. 1827

19 T-MOBILE U.S.A., INC.,
 20
 21 Plaintiff,

22 v.

23 AU OPTRONICS CORPORATION; AU
 24 OPTRONICS CORPORATION AMERICA,
 25 INC.; CHI MEI CORPORATION; CHIMEI
 26 INNOLUX CORPORATION; CHI MEI
 27 OPTOELECTRONICS USA, INC.; CMO
 28 JAPAN CO. LTD.; NEXGEN MEDIATECH,
 INC.; NEXGEN MEDIATECH USA, INC.;

**T-MOBILE U.S.A.’S EX PARTE
 APPLICATION TO FILE
 DOCUMENTS UNDER SEAL**

1 CHUNGHWA PICTURE TUBES LTD.;
2 TATUNG COMPANY; TATUNG COMPANY
3 OF AMERICA, INC.; SEIKO EPSON
4 CORPORATION; EPSON IMAGING
5 DEVICES CORPORATION; EPSON
6 ELECTRONICS AMERICA, INC.;
7 HANNSTAR DISPLAY CORPORATION;
8 HITACHI, LTD.; HITACHI DISPLAYS,
9 LTD.; HITACHI ELECTRONIC DISPLAYS
10 (USA), INC.; LG DISPLAY CO. LTD.; LG
11 DISPLAY AMERICA, INC.; PHILIPS
12 ELECTRONICS NORTH AMERICA
13 CORPORATION; SAMSUNG
14 ELECTRONICS CO., LTD.; SAMSUNG
15 SEMICONDUCTOR, INC.; SAMSUNG
16 ELECTRONICS AMERICA, INC.;
17 SAMSUNG SDI CO., LTD.; SAMSUNG SDI
18 AMERICA, INC.; SANYO CONSUMER
19 ELECTRONICS, LTD.; SHARP
20 CORPORATION; SHARP ELECTRONICS
21 CORPORATION; TOSHIBA
22 CORPORATION; TOSHIBA AMERICA
23 ELECTRONICS COMPONENTS, INC.;
24 TOSHIBA MOBILE DISPLAY
25 TECHNOLOGY CO., LTD.; TOSHIBA
26 AMERICA INFORMATION SYSTEMS, INC.,

Defendants.

18 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

19 Pursuant to Civil Local Rules 79-5 and 7-10 and this Court's Standing Order, plaintiff
20 T-Mobile U.S.A., Inc. ("T-Mobile"), by and through its counsel, respectfully submits this application on
21 an *ex parte* basis, for an order permitting it to file under seal T-Mobile's Amended Complaint.

22 T-Mobile requests that the following document be filed under seal pursuant to Civil Local Rule
23 79-5(d) because it refers to or contains documents, testimony, and information designated as
24 "Confidential" or "Highly Confidential" by one or more of the defendants pursuant to the Protective
25 Order in this action (Dkt. No. 408, filed Dec. 7, 2007):
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27
28

- T-Mobile's Amended Complaint.

T-Mobile has lodged with the Court redacted and unredacted copies of this document in accordance with Civil Local Rule 79-5.

T-Mobile submits this application as the party wishing to file the documents described above. T-Mobile attaches hereto the Declaration of Jason C. Rubinstein in support of this application. T-Mobile takes no position on whether the defendant-designated deposition testimony and documents satisfy the requirements for sealing. Although T-Mobile's request is narrowly tailored to include only the information that may require confidentiality, it is defendants' burden to show good cause for sealing the references to the deposition testimony and documents by submitting a declaration showing good cause and a proposed order within seven days after the lodging of the designated documents. *See* Civil Local Rule 79-5(d).

Dated: November 7, 2011

Respectfully submitted,

/s/ Brooke A. M. Taylor

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Counsel for Plaintiff T-Mobile USA, Inc.

1 **DECLARATION OF SERVICE**

2 I, Brooke A. M. Taylor, declares as follows:

3 I am employed in the County of King, State of Washington. I am over the age of eighteen
4 years and not a party to this action. My business address is 1201 Third Avenue, Suite 3800,
5 Seattle, Washington, 98101, in said County and State. On November 7, 2011, I served the
6 following:
7

8 **T-MOBILE USA’S EX PARTE APPLICATION TO FILE UNDER SEAL**

9 To all named consul of record as follows:

10 **X** **BY ECF (ELECTRONIC CASE FILING):** I e-filed the above detailed
11 document(s) utilizing the United States District Court, Northern District of
12 California’s mandated ECF (Electronic Case Filing) service on the date noted
13 below. Counsel of record are required by the Court to be registered e-filers, and as
14 such are automatically e-served with a copy of the documents upon confirmation of
15 e-filing.

16 Certify under penalty of perjury under the laws of the United States that the forgoing is
17 true and correct.

18 Executed on November 7, 2011, at Seattle, Washington.

19 By: /s/ Brooke A. M. Taylor