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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AFFINITY LABS OF TEXAS, LLC,
Plaintiff,
v.
APPLE INC.,
Defendant.

No. C 09-04436 CW
ORDER RESOLVING
REMAINING PORTION
OF PLAINTIFF'S
ADMINISTRATIVE
MOTION TO SEAL,
Docket No. 215,
PURSUANT TO THIS
COURT'S ORDER,
Docket No. 240

On June 2, 2011, Plaintiff Affinity Labs of Texas, LLC, moved to file under seal various documents submitted in connection with its Claim Construction Reply Brief, Summary Judgment Reply Brief, and Brief in Opposition to Apple's Motion for Summary Judgment. Docket No. 215. On June 13, 2011, the Court ordered certain documents sealed and reserved judgment regarding the remaining documents pending the submission of evidence in support of sealing the items. Docket No. 240.

In response to the Court's order, counsel for Defendant Apple, Inc. submitted a declaration in support of the motion to seal Exhibit M3 and ¶¶ 64-69 of Exhibit M4 to the Declaration of Joseph C. McAlexander III in Support of Affinity's Claim Construction Reply Brief, Summary Judgment Reply Brief, and Brief in Opposition to Apple's Motion for Summary Judgment, and the

United States District Court
For the Northern District of California

1 portions of Affinity's Brief that contain, rely upon, and quote
2 Exhibits 1, 3, 5, 8, 22, 23 and 25 to the Declaration of David C.
3 Dotson, and Exhibit M3 and ¶¶ 64-69 of Exhibit M4 to the
4 McAlexander Declaration. Slacker, a third party to this lawsuit,
5 submitted a declaration in support of sealing Exhibit M3, which
6 contains confidential testimony of its designee and excerpts from a
7 confidential business document.

8 Having reviewed these additional submissions, Affinity's
9 motion to seal is GRANTED with respect to Exhibit M3 and ¶¶ 64-69
10 of Exhibit M4 to the McAlexander III Declaration in Support of
11 Affinity's Brief and the portions of Affinity's Brief that contain,
12 rely upon, and quote Exhibits 1, 3, 5, 8, 22, 23, 25 and M3, and
13 ¶¶ 64-69 of Exhibit M4. Docket No. 215. The evidence necessary to
14 justify sealing Exhibits 10 and 11 to the Declaration of the David
15 C. Dotson has not been submitted and, thus, the motion with respect
16 to these items is DENIED.

17 IT IS SO ORDERED.

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19 Dated: June 30, 2011



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CLAUDIA WILKEN
United States District Judge