

1 YITAI HU (SBN 248085)
 yitai.hu@alston.com
 2 SEAN P. DEBRUINE (SBN 168071)
 sean.debrune@alston.com
 3 ELIZABETH H. RADER (SBN 184963)
 elizabeth.rader@alston.com
 4 JANE HAN BU (SBN 240081)
 jane.bu@alston.com
 5 JENNIFER LIU (SBN 268990)
 celine.liu@alston.com
 6 PALANI P. RATHINASAMY (SBN 269852)
 palani.rathinasamy@alston.com
 7 **ALSTON & BIRD LLP**
 275 Middlefield Road, Suite 150
 8 Menlo Park, CA 94025-4008
 Telephone: 650-838-2000
 9 Facsimile: 650-838-2001

10 Attorneys for Plaintiff and Counterdefendant
 11 ELAN MICROELECTRONICS
 CORPORATION

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

ELAN MICROELECTRONICS
 CORPORATION,

 Plaintiff,

 v.

 APPLE, INC.,

 Defendant.

Case No. 09-cv-01531 RS (PSG)

**PLAINTIFF ELAN
 MICROELECTRONICS
 CORPORATION'S RENEWED
 ADMINISTRATIVE MOTION TO FILE
 PORTIONS OR THE ENTIRETY OF
 PAPERS IN SUPPORT OF ITS MOTION
 FOR PARTIAL SUMMARY
 JUDGMENT OF INFRINGEMENT
 UNDER SEAL**

AND RELATED COUNTERCLAIMS

1 Pursuant to Civil Local Rules 7-11 and 79-5 and the Court's May 11, 2011 Order Denying
2 Motion to Seal Without Prejudice (Dkt No. 204), Plaintiff Elan Microelectronics Corporation
3 ("Elan") hereby requests leave of Court to file under seal portions or the entirety of the following
4 documents which have been lodged with the Clerk:

- 5 1. Elan's Motion for Partial Summary Judgment of Infringement of U.S. Patent
6 5,875,352 (**partially redacted**);
- 7 2. Declaration of Robert Dezmelyk in Support of Elan's Motion for Partial Summary
8 Judgment of Infringement (**partially redacted**);
- 9 3. Exhibit B to the Declaration of Robert Dezmelyk in Support of Elan's Motion for
10 Partial Summary Judgment of Infringement (**partially redacted**);
- 11 4. Amended Declaration of Jennifer Liu in Support of Elan's Motion for Partial
12 Summary Judgment of Infringement (**partially redacted**);
- 13 5. Exhibit 3 to the Amended Declaration of Jennifer Liu in Support of Elan's Motion
14 for Partial Summary Judgment of Infringement (**filed under seal**);
- 15 6. Exhibit 4 to the Amended Declaration of Jennifer Liu in Support of Elan's Motion
16 for Partial Summary Judgment of Infringement (**filed under seal**);
- 17 7. Exhibit 5 to the Amended Declaration of Jennifer Liu in Support of Elan's Motion
18 for Partial Summary Judgment of Infringement (**filed under seal**);
- 19 8. Exhibit 6 to the Amended Declaration of Jennifer Liu in Support of Elan's Motion
20 for Partial Summary Judgment of Infringement (**filed under seal**);
- 21 9. Exhibit 23 to the Amended Declaration of Jennifer Liu in Support of Elan's Motion
22 for Partial Summary Judgment of Infringement (**filed under seal**);
- 23 10. Exhibit 24 to the Amended Declaration of Jennifer Liu in Support of Elan's Motion
24 for Partial Summary Judgment of Infringement (**filed under seal**);
- 25 11. Exhibit 25 to the Amended Declaration of Jennifer Liu in Support of Elan's Motion
26 for Partial Summary Judgment of Infringement (**filed under seal**);
- 27 12. Exhibit 27 to the Amended Declaration of Jennifer Liu in Support of Elan's Motion
28 for Partial Summary Judgment of Infringement (**filed under seal**);

- 1 13. Exhibit 29 to the Amended Declaration of Jennifer Liu in Support of Elan’s Motion
2 for Partial Summary Judgment of Infringement (**filed under seal**);
- 3 14. Exhibit 30 to the Amended Declaration of Jennifer Liu in Support of Elan’s Motion
4 for Partial Summary Judgment of Infringement (**filed under seal**);
- 5 15. Exhibit 31 to the Amended Declaration of Jennifer Liu in Support of Elan’s Motion
6 for Partial Summary Judgment of Infringement (**filed under seal**);
- 7 16. Exhibit 32 to the Amended Declaration of Jennifer Liu in Support of Elan’s Motion
8 for Partial Summary Judgment of Infringement (**filed under seal**);
- 9 17. Exhibit 33 to the Amended Declaration of Jennifer Liu in Support of Elan’s Motion
10 for Partial Summary Judgment of Infringement (**filed under seal**);
- 11 18. Exhibit 34 to the Amended Declaration of Jennifer Liu in Support of Elan’s Motion
12 for Partial Summary Judgment of Infringement (**partially redacted**);
- 13 19. Exhibit 35 to the Amended Declaration of Jennifer Liu in Support of Elan’s Motion
14 for Partial Summary Judgment of Infringement (**filed under seal**);
- 15 20. Exhibit 36 to the Amended Declaration of Jennifer Liu in Support of Elan’s Motion
16 for Partial Summary Judgment of Infringement (**filed under seal**);
- 17 21. Exhibit 37 to the Amended Declaration of Jennifer Liu in Support of Elan’s Motion
18 for Partial Summary Judgment of Infringement (**filed under seal**);
- 19 22. Exhibit 39 to the Amended Declaration of Jennifer Liu in Support of Elan’s Motion
20 for Partial Summary Judgment of Infringement (**filed under seal**);
- 21 23. Exhibit 40 to the Amended Declaration of Jennifer Liu in Support of Elan’s Motion
22 for Partial Summary Judgment of Infringement (**filed under seal**);
- 23 24. Exhibit 41 to the Amended Declaration of Jennifer Liu in Support of Elan’s Motion
24 for Partial Summary Judgment of Infringement (**filed under seal**);
- 25 25. Exhibit 42 to the Amended Declaration of Jennifer Liu in Support of Elan’s Motion
26 for Partial Summary Judgment of Infringement (**filed under seal**);
- 27 26. Exhibit 43 to the Amended Declaration of Jennifer Liu in Support of Elan’s Motion
28 for Partial Summary Judgment of Infringement (**filed under seal**);

1 27. Exhibit 44 to the Amended Declaration of Jennifer Liu in Support of Elan’s Motion
2 for Partial Summary Judgment of Infringement (**filed under seal**);

3 28. Exhibit 45 to the Amended Declaration of Jennifer Liu in Support of Elan’s Motion
4 for Partial Summary Judgment of Infringement (**filed under seal**);

5 29. Exhibit 47 to the Amended Declaration of Jennifer Liu in Support of Elan’s Motion
6 for Partial Summary Judgment of Infringement (**filed under seal**).

7 As grounds for this motion, Elan states that portions of Elan’s Motion for Partial Summary
8 Judgment of Infringement, the Dezmelyk Declaration, Exhibit B to the Dezmelyk Declaration, the
9 Amended Liu Declaration and Exhibit 34 to the Amended Liu Declaration constitute, or disclose
10 information contained in, documents designated by Defendant Apple Inc. (“Apple”) as
11 “Confidential – Attorney Eyes Only” or “Confidential – Attorneys Eyes Only – Source Code”
12 pursuant to the Amended Protective Order in this matter. *See* Declaration of Jennifer Liu In
13 Support of Plaintiff Elan Microelectronics Corporation’s Renewed Motion To File Papers Under
14 Seal filed concurrently herewith. In accordance with Civil Local Rule 79-5, for these partially
15 redacted documents, only minimum and necessary redactions are made to protect sealable
16 information identified and confirmed by Apple. In addition, Elan states that Exhibits 3-6, 23-25,
17 27, 29-33, 35-37, 39-45, 47 to the Amended Liu Declaration constitute documents designated by
18 Apple as “Confidential – Attorney Eyes Only” or “Confidential – Attorneys Eyes Only – Source
19 Code” pursuant to the Amended Protective Order in this matter. These exhibits predominately
20 consist of sealable information such that it may be appropriate to seal the entire document rather
21 than requiring submission of a heavily redacted document that would not substantially further the
22 policy of providing public access to, and understanding of, court proceedings. *See id.* Pursuant to
23 the Court’s May 11, 2011 Order Denying Elan’s Motion to Seal Without Prejudice (Dkt No. 204),
24 Elan states that it has met and conferred with counsel for Apple, and confirmed with Apple the
25 sealable materials identified above which Apple believes there exists a good faith basis to permit
26 sealing. Elan further states that the parties have given particularized consideration to each exhibit
27 prior to requesting that it be sealed, either in its entirety or through redactions.

28 For the reasons stated above, the Court should grant Elan leave to file the above identified

1 documents either partially or entirely under seal.

2 DATED: May 24, 2011

Respectfully submitted,
3 ALSTON & BIRD LLP

4
5 By: /s/ Jennifer Liu
6 Jennifer Liu
Attorneys for Plaintiff
7 ELAN MICROELECTRONICS CORPORATION

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28