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 ELAN MICROELECTRONICS
 11 CORPORATION

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 13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION
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17 ELAN MICROELECTRONICS
 18 CORPORATION,
 19 Plaintiff and Counterdefendant,
 20 v.
 21 APPLE, INC.,
 22 Defendant and Counterplaintiff.

Case No. 09-cv-01531 RS (PSG)
**PLAINTIFF ELAN
 MICROELECTRONICS
 CORPORATION'S ADMINISTRATIVE
 MOTION TO FILE UNDER SEAL
 PORTIONS OF THE SUPPLEMENTAL
 DECLARATION OF ROBERT
 DEZMELYK IN SUPPORT OF ELAN'S
 REPLY TO APPLE'S OPPOSITION TO
 ELAN'S MOTION FOR PARTIAL
 SUMMARY JUDGMENT OF
 INFRINGEMENT OF UNITED STATES
 PATENT NO. 5,825,352 AND
 SUPPORTING DOCUMENTS**

23
 24 AND RELATED COUNTERCLAIMS
 25

1 Pursuant to Civil Local Rules 7-11 and 79-5, Plaintiff Elan Microelectronics Corporation
2 (“Elan”) hereby requests leave of Court to file under seal portions or the entirety of the following
3 documents which have been lodged with the Clerk:

4 1. Supplemental Declaration of Robert Dezmelyk in Support of Elan’s Reply to
5 Apple’s Opposition to Elan’s Motion for Partial Summary Judgment of Infringement (**partially**
6 **sealed**);

7 2. Exhibit A to the Declaration of Palani P. Rathinasamy (**filed under seal**).

8 As grounds for this motion, Elan states that the redacted portions of the Supplemental
9 Declaration of Robert Dezmelyk discloses information that is derived from documents that Apple
10 has marked as “Confidential – Attorney Eyes Only” or “Confidential – Attorneys’ Eyes Only –
11 Source Code” pursuant to the Amended Protective Order in this matter and confidential
12 communications between Elan and Apple regarding Apple’s infringement of the 352 patent. *See*
13 Declaration of Palani P. Rathinasamy in Support of Plaintiff Elan Microelectronics Corporation’s
14 Administrative Motion to File Under Seal filed concurrently herewith. In accordance with Civil
15 Local Rule 79-5, for these partially redacted documents, only minimum and necessary redactions
16 are made to protect sealable information.

17 Elan further states that Exhibit A to the Rathinasamy Declaration constitutes a document
18 designated by Apple as “Confidential – Attorney Eyes Only” pursuant to the Amended Protective
19 Order in this matter and contains internal communications between Apple employees. *See id.*
20 This exhibit predominately consists of sealable information such that it may be appropriate to seal
21 the entire document rather than requiring submission of a heavily redacted document that would
22 not substantially further the policy of providing public access to, and understanding of, court
23 proceedings.

24 Pursuant to Civil Local Rule 79-5, Apple must file with the Court and serve a declaration
25 establishing that its designated information is sealable, and must lodge and serve a narrowly
26 tailored proposed sealing order, or must withdraw the designation of confidentiality.

27 For the reasons stated above, the Court should grant Elan leave to file the above identified
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1 documents either partially or entirely under seal.

2 DATED: July 5, 2011

Respectfully submitted,

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ALSTON & BIRD LLP

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By: Palani P. Rathinasamy/

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Palani P. Rathinasamy

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Attorneys for Plaintiff

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ELAN MICROELECTRONICS CORPORATION

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