

1 HAROLD J. MCELHINNY (CA SBN 66781)  
 hmcclhinny@mofo.com  
 2 MICHAEL A. JACOBS (CA SBN 111664)  
 mjacobs@mofo.com  
 3 JENNIFER LEE TAYLOR (CA SBN 161368)  
 jtaylor@mofo.com  
 4 ALISON M. TUCHER (CA SBN 171363)  
 atucher@mofo.com  
 5 RICHARD S.J. HUNG (CA SBN 197425)  
 rhung@mofo.com  
 6 JASON R. BARTLETT (CA SBN 214530)  
 jasonbartlett@mofo.com  
 7 MORRISON & FOERSTER LLP  
 425 Market Street  
 San Francisco, California 94105-2482  
 8 Telephone: (415) 268-7000  
 Facsimile: (415) 268-7522  
 9

WILLIAM F. LEE  
 william.lee@wilmerhale.com  
 WILMER CUTLER PICKERING  
 HALE AND DORR LLP  
 60 State Street  
 Boston, MA 02109  
 Telephone: (617) 526-6000  
 Facsimile: (617) 526-5000

MARK D. SELWYN (SBN 244180)  
 mark.selwyn@wilmerhale.com  
 WILMER CUTLER PICKERING  
 HALE AND DORR LLP  
 950 Page Mill Road  
 Palo Alto, California 94304  
 Telephone: (650) 858-6000  
 Facsimile: (650) 858-6100

10  
 11 Attorneys for Plaintiff and  
 Counterclaim-Defendant APPLE INC.

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 SAN JOSE DIVISION  
 15

16  
 17 APPLE INC., a California corporation,  
 18 Plaintiff,  
 19 v.  
 20 SAMSUNG ELECTRONICS CO., LTD., a  
 Korean corporation; SAMSUNG  
 21 ELECTRONICS AMERICA, INC., a New  
 York corporation; and SAMSUNG  
 22 TELECOMMUNICATIONS AMERICA,  
 LLC, a Delaware limited liability company,  
 23 Defendants.  
 24

Case No. 11-cv-01846-LHK  
**APPLE'S ADMINISTRATIVE  
 MOTION TO FILE DOCUMENTS  
 UNDER SEAL RE APPLE'S  
 OPPOSITION TO SAMSUNG'S  
 MOTION FOR SUMMARY  
 JUDGMENT**

1 In accordance with Civil Local Rules 7-11 and 79-5, and General Order No. 62, Apple Inc.  
2 (“Apple”) submits this motion for an order to seal Exhibits 1-7, 12-16, 20-22, 24, 25, 27, 29-31,  
3 33-56, 63, 65, 66, and 68-79 to the Declaration of Jason R. Bartlett in Support of Apple’s  
4 Opposition to Samsung’s Motion for Summary Judgment (“Bartlett Declaration”).

5 Exhibits 1-6, 12-16, 20, 24, 27, 29, 31, 48-54, 56, and 75-79 to the Bartlett Declaration  
6 contain information that is highly confidential as set out in the Declaration of Cyndi Wheeler in  
7 Support of Apple’s Administrative Motion to File Documents Under Seal (“Wheeler  
8 Declaration”) (Dkt. No. 998). It is Apple’s policy not to disclose or describe to third parties its  
9 confidential financial, design, trade secrets, or product development information. (Wheeler  
10 Declaration ¶ 11.) The Apple-confidential material in these exhibits relate to such confidential  
11 information, as detailed in the Wheeler Declaration. (*Id.* ¶ 1-10.) This information is highly  
12 confidential to Apple and could be used by Apple’s competitors to Apple’s disadvantage if  
13 disclosed publicly. (*Id.* ) The relief requested in this motion is necessary and is narrowly tailored  
14 to protect confidential information, focusing only on specific portions of the documents at issue.  
15 (*Id.* ¶ 14.)

16 Exhibits 7, 21, 22, 25, 30, 33, 34-47, and 63, 65, 66, and 68-74 to the Bartlett Declaration  
17 contain materials that Samsung has designated as confidential under the protective order entered  
18 in this case. In addition, Exhibits 63, 65, and 66 to the Bartlett Declaration have been designated  
19 by Samsung as containing third party confidential information. Apple expects that, pursuant to  
20 Civil Local Rule 79-5(d), Samsung will file a declaration seeking to establish good cause to  
21 permit the sealing of these materials.

22 Finally, to the extent the Bartlett Declaration refers to or discusses the above-referenced  
23 confidential materials, it could be used to Apple’s disadvantage by competitors if it were not filed  
24 under seal, for the same reasons. (*Id.* ¶ 13.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Pursuant to Civil Local Rule 79-(c), Apple will lodge with the Clerk the documents at issue with the sealable portions highlighted.

Dated: May 31, 2012

MORRISON & FOERSTER LLP

By:           /s/ Michael A. Jacobs            
MICHAEL A. JACOBS

Attorneys for Plaintiff  
APPLE INC.