Apple Inc. v. Samsung Electronics Co. Ltd. et al Doc. 1035

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Counterclaim-Defendant APPLE INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

APPLE INC., a California corporation,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., a Korean corporation; SAMSUNG ELECTRONICS AMERICA, INC., a New York corporation; and SAMSUNG TELECOMMUNICATIONS AMERICA, LLC, a Delaware limited liability company,

Defendants.

Case No. 11-cv-01846-LHK (PSG)

ADMINISTRATIVE MOTION TO FILE DOCUMENTS UNDER SEAL RE APPLE'S OPPOSITION TO SAMSUNG'S MOTION FOR LEAVE TO FILE MOTION FOR RECONSIDERATION

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In accordance with Civil Local Rules 7-11 and 79-5, and General Order No. 62, Apple Inc. ("Apple") submits this motion for an order to seal the following documents or portions thereof:

1. The confidential, unredacted version of Apple's Opposition to Samsung's Motion for Leave to File Motion for Reconsideration ("Opposition"); and
2. The confidential, unredacted version of Exhibit A to the Declaration of Grant Kim in Support of Apple's Opposition to Samsung's Motion for Leave to File Motion for Reconsideration ("Kim Declaration"), which has been designated as confidential as set forth below.

Portions of the Opposition and Exhibit A to the Kim Declaration contain information that is highly confidential as set out in the Declaration of Cyndi Wheeler filed as Docket No. 1031 ("Wheeler Declaration"). The Apple-confidential material in these documents relates to such highly confidential business information, as detailed in the Wheeler Declaration. (*Id*. ¶¶ 3, 5.) It is Apple's policy not to disclose or describe to third parties its confidential information like the information contained in the documents described above. (Wheeler Declaration ¶¶ 3, 5, 10.) This information is highly confidential to Apple. (*Id*.) The information described above could be used by Apple's competitors to Apple's disadvantage if disclosed publicly. (*Id.*) The relief requested in this motion is necessary and is narrowly tailored to protect confidential information, focusing only on specific portions of the documents at issue.

Moreover, to the extent Apple's Opposition refers to or discusses Exhibit A to the Kim Declaration, it could be used to Apple's disadvantage by competitors if it were not filed under seal, for the same reasons.

In addition, the Opposition contains materials that Samsung has designated as confidential under the protective order entered in this case. Apple expects that, pursuant to Civil Local Rule 79-5(d), Samsung will file a declaration seeking to establish good cause to permit the sealing of this document.

Pursuant to the Court's standing order regarding motions to file under seal, effective December 1, 2011, attached are the proposed public redacted versions of the items that Apple is

seeking to file under seal. Pursuant to Civil L.R. 79-(c), Apple will lodge with the Clerk the documents at issue with the sealable portions highlighted.

Dated: June 4, 2012

MORRISON & FOERSTER LLP

By: */s/ Michael A. Jacobs*
Michael A. Jacobs

Attorneys for Plaintiff
APPLE INC.