

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
 8 San Francisco, California 94105-2482
 Telephone: (415) 268-7000
 9 Facsimile: (415) 268-7522

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

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

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

**ADMINISTRATIVE MOTION TO
 FILE UNDER SEAL DOCUMENTS
 REGARDING APPLE’S DESIGN
 PATENT CLAIM CONSTRUCTION
 BRIEF**

24
 25
 26
 27
 28

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 the following documents or portions thereof:

- 3 1. The confidential, unredacted version of Apple’s Opening Design Patent Claim
4 Construction Brief; and
- 5 2. Exhibits 8 through 11 to the Declaration of Mia Mazza in Support of Apple’s
6 Opening Claim Construction Brief (“Mazza Declaration”), which have been
7 designated confidential as set forth below.

8 Exhibits 8 and 9 to the Mazza Declaration contain information that is highly confidential
9 as set forth in the Declaration of Cyndi Wheeler in Support of Apple’s Administrative Motion to
10 File Documents Under Seal (“Wheeler Declaration”), filed herewith. It is Apple’s policy not to
11 disclose or describe to third parties its design information. (Wheeler Declaration ¶ 3.) The
12 Apple-confidential material in these exhibits relates to such confidential information, as detailed
13 in the Wheeler Declaration. (*Id.* ¶¶ 2-3) This information is highly confidential to Apple and
14 could be used by Apple’s competitors to Apple’s disadvantage if disclosed publicly. (*Id.*) The
15 relief requested in this motion is necessary and is narrowly tailored to protect confidential
16 information. (*Id.* ¶ 5.)

17 Exhibits 10 and 11 contain materials that Samsung has designated as confidential under
18 the protective order entered in this case. Apple expects that, pursuant to Civil Local Rule 79-5(d),
19 Samsung will file a declaration seeking to establish good cause to permit the sealing of these
20 materials.

21 Finally, to the extent Apple’s Opening Design Patent Claim Construction Brief refers to or
22 discuss the above-referenced materials, it could be used to Apple’s disadvantage by competitors if
23 it was not filed under seal, for the same reasons. (*Id.* ¶ 4.)

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: June 12, 2012

MORRISON & FOERSTER LLP

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

Attorneys for Plaintiff
APPLE INC.