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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

APPLE INC., a California corporation,

Plaintiff,

vs.

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

Defendants.

CASE NO. 11-cv-01846-LHK-PSG

**[PROPOSED] ORDER VACATING JUNE  
19 ORDER DENYING  
ADMINISTRATIVE MOTIONS TO FILE  
UNDER SEAL AND GRANTING  
APPLE'S ADMINISTRATIVE MOTIONS  
TO FILE DOCUMENTS UNDER SEAL**

Apple Inc. ("Apple") filed several Administrative Motions to File Documents Under Seal (Dkt. Nos. 769, 799, 822, 824, and 845). On June 19, 2012, the Court issued an Order denying these motions ("the Order") (Dkt. No. 1105) because the required declaration(s) had not been filed pursuant to Civil L.R. 79-5.

Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively, "Samsung") have now filed an Emergency Miscellaneous Administrative Request Pursuant To Civil L.R. 7-11 to stay the Order, for an

1 extension of time to file the accompanying Declaration of Hankil Kang pursuant to Civil L.R. 79-  
2 5, and for an order granting in part Apple’s motions to file under seal.

3 Samsung asserts that the required declaration pursuant to Civil L.R. 79-5 was not filed  
4 earlier due to an administrative oversight, and it corrected that error as soon as it became aware of  
5 it. The Declaration of Hankil Kang, albeit late, establishes good cause for this Court to permit  
6 certain documents to be filed under seal. The Declaration establishes that the below documents  
7 contain information that is highly confidential and has been designated by Samsung as HIGHLY  
8 CONFIDENTIAL – ATTORNEYS’ EYES ONLY under the Protective Order in this action. The  
9 filing of these documents in the public record would cause significant competitive injury to  
10 Samsung.

11 Accordingly, for good cause shown, the Court GRANTS Samsung’s Emergency  
12 Miscellaneous Administrative Request, VACATES its June 19, 2012 Order, and ORDERS that the  
13 following documents shall be filed under seal:

- 14 1. The confidential, unredacted version of Apple’s Reply in Support of Motion for  
15 Rule 37(b)(2) Sanctions for Samsung’s Violation of Two Discovery Orders;
- 16 2. The confidential, unredacted version of the Reply Declaration of Minn Chung in  
17 Support of Apple’s Motion for Rule 37(b)(2) Sanctions for Samsung’s Violation of  
18 Two Discovery Orders, and Exhibits A to S thereto;
- 19 3. Exhibit 2 to the Reply Declaration of Eric J. Olson in Support of Apple’s Motion  
20 for Rule 37(b)(2) Sanctions for Samsung’s Violation of Two Discovery Orders;
- 21 4. The confidential, unredacted version of Apple’s Combined Reply in Support of Its  
22 Motion to Compel Depositions of Samsung’s Purported “Apex” Witnesses and  
23 Opposition to Samsung’s Motion for a Protective Order (“Apple’s Apex Reply”);
- 24 5. The confidential, unredacted version of the Declaration of Mia Mazza in Support of  
25 Apple’s Apex Reply, and Exhibits 5-32, 34, 35, and 38-40 thereto;

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- 6. The confidential, unredacted version of Apple’s Reply Brief in Support of Rule 37(b)(2) Motion Re: Samsung’s Violation of January 27, 2012 Damages Discovery Order;
- 7. The confidential, unredacted version of the Declaration of Erik J. Olson in Support of Apple’s Reply in Support of Rule 37(B)(2) Motion Re: Samsung’s Violation of January 27, 2012 Damages Discovery Order, and Exhibits A, D, and I thereto;
- 8. The confidential, unredacted version of the Declaration of Eric R. Roberts in Support of Apple’s Reply in Support of Rule 37(b)(2) Motion Re: Samsung’s Violation of January 27, 2012 Damages Discovery Order, and Exhibits A - C thereto;
- 9. Exhibits 10 and 13-18 to the Declaration of Grant Kim in Support of Apple’s Reply in Support of Rule 37(b)(2) Motion Re: Samsung’s Violation of January 27, 2012 Damages Discovery Order; and
- 10. Exhibit D to the Reply Declaration of Marc J. Pernick in Support of Apple’s Rule 37(b)(2) Motion Based on Samsung’s Violation of the Court’s December 22, 2011 Order Regarding Source Code.

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_, 2012

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Honorable Paul S. Grewal  
United States Magistrate Judge