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14 AMERICA, INC. and SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC
15

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION
18

19 APPLE INC., a California corporation,

20 Plaintiff,

21 vs.

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

25 Defendants.
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CASE NO. 11-cv-01846-LHK (PSG)

**SAMSUNG'S EMERGENCY
MISCELLANEOUS ADMINISTRATIVE
REQUEST PURSUANT TO CIVIL L.R. 7-
11 FOR A LIMITED STAY OF THE
COURT'S JUNE 21, 2012 ORDER [DKT.
NO. 1115] PENDING RESOLUTION OF
SAMSUNG'S MOTION FOR RELIEF
FROM NONDISPOSITIVE PRETRIAL
ORDER**

1 Pursuant to Civil L.R. 7-11, Defendants Samsung Electronics Co., Ltd., Samsung
2 Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively,
3 “Samsung”) respectfully requests an order for a limited stay of this Court’s June 21, 2012 Order
4 Denying Administrative Motions to Stay, for Extension of Time, and to Seal Documents (Dkt. No.
5 1115), pending the District Court’s resolution of Samsung’s forthcoming Motion for Relief from
6 Nondispositive Pretrial Order of Magistrate Judge.

7 1. From March 5, 2012, through June 19, 2012, Apple, Inc. filed certain
8 administrative motions to file documents under seal (Dkt. Nos. 769, 799, 822, 824, and 845)
9 (collectively, “motions to file under seal”). On June 19, 2012, the Court issued an Order Denying
10 Administrative Motions to File Under Seal (Re: Docket Nos. 769, 799, 822, 824, 845) (Dkt. No.
11 1105) (the “Order”), because no supporting declarations had been filed. Later that day, Samsung
12 filed an Emergency Miscellaneous Administrative Request Pursuant to Civil L.R. 7-11 to Stay
13 Order Denying Administrative Motions to File Under Seal (Re: Docket Nos. 769, 799, 822, 824,
14 845), for Extension of Time, and to Seal Documents (the “emergency request”). Dkt. No. 1109.

15 2. On June 21, 2012, the Court denied Samsung’s emergency request, noting that
16 Samsung’s proposed order was not sufficiently “narrowly tailored” and sought to seal some
17 exhibits that had “no discernable proprietary interest.” Dkt. No. 1115.

18 3. On or before Monday, June 25, 2012, Samsung will file a Motion for Relief from
19 Nondispositive Pretrial Order of Magistrate Judge, objecting to portions of the Court’s June 21
20 Order, pursuant to Rule 72 of the Federal Rules of Civil Procedure, and Civil L. R. 72-2.
21 Samsung’s Motion for Relief will be limited, seeking to keep sealed only a narrowly tailored
22 subset of the documents, or information within documents, that were subject to Samsung’s
23 emergency request.

24 4. A stay pending resolution of Samsung’s Motion for Relief is necessary to protect
25 Samsung’s highly sensitive, confidential business information. Although, as the Court’s June 21
26 Order noted, portions of some documents subject to Samsung’s emergency request were not
27 proprietary, it is clear that other documents contain Samsung’s highly confidential business
28 information, including but not limited to the design and development of Samsung’s products,

1 highly confidential financial data, product development and engineering, product evaluation and
2 competitive analysis, marketing research and strategies, and the nature of Samsung's relationships
3 with its business partners. The disclosure of this information will inflict serious and irreversible
4 harm on Samsung.

5 5. A stay will not prejudice Apple, any third party, or the public interest in access to
6 court records because the stay will be for a short, definite period. On the other hand, Samsung
7 will suffer material harm if its confidential information is made public due merely from an
8 administrative oversight. The confidential information Samsung seeks to keep sealed is just the
9 kind of information that courts have long recognized would be harmful if made publically
10 available. *See Powertech Techn., Inc. v. Tessera, Inc.*, 2012 WL 1969039, at *1-2 (N.D. Cal. May
11 31, 2012) (granting plaintiff's motion to seal to prevent harm caused by "by giving its competitors
12 [] proprietary information"); *Davis v. Soc. Serv. Coordinators*, 2012 WL 1940677, at *3 (E.D.
13 Cal. May 29, 2012) (granting request to seal documents where disclosure may cause movant
14 "competitive harm").

15 6. As explained in the accompanying Declaration of Anthony P. Alden, Samsung
16 sought to obtain consent from Apple before filing the present motion pursuant to Civil L.R. 7-11.
17 However, at the time of the filing of this request, counsel for Apple had not responded. (Alden
18 Dec., ¶ 3.)

19 For all these reasons, Samsung respectfully requests that the Court grant a limited stay of
20 the Order Denying Administrative Motions to Stay, for Extension of Time, and to Seal Documents
21 (Dkt. No. 1115), pending the District Court's consideration of Samsung's Motion for Relief.

22 A proposed order is submitted herewith.

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1 Respectfully,

2 DATED: June 22, 2012

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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