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7  
 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN JOSE DIVISION

11 APPLE, INC., a California Corporation, )

Case No. 11-CV-01846-LHK

12 Plaintiff, )

13 vs. )

14 SAMSUNG ELECTRONICS CO., LTD., )  
 a Korean corporation; SAMSUNG )  
 15 ELECTRONICS AMERICA, INC., a )  
 New York corporation; SAMSUNG )  
 16 TELECOMMUNICATIONS AMERICA, )  
 LLC, a Delaware limited liability )  
 17 company, )

**[PROPOSED] ORDER SEALING AND  
 PROTECTING FROM PUBLIC  
 DISCLOSURE CONFIDENTIAL  
 INFORMATION OF NON-PARTY  
 TELEFONAKTIEBOLAGET LM ERICSSON  
 CONTAINED IN TRIAL EXHIBITS 77, 630,  
 AND 631**

18 Defendants. )  
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1 Non-Party Telefonaktiebolaget LM Ericsson (“Ericsson”) has moved the Court to seal  
2 certain portions of Trial Exhibits 77, 630, and 631, which contain confidential and sensitive Ericsson  
3 business and licensing information. The Court has considered Ericsson’s motion and supporting  
4 declaration and the other papers in this cause and finds that Ericsson has established compelling  
5 reasons to seal and redact the information requested. Accordingly, the Court hereby enters the  
6 following Orders:

7 1. Trial Exhibit 77 references a license between Samsung and Ericsson that became  
8 effective in January 2006 (the “2006 License”). The Court Orders that those portions of Trial  
9 Exhibit 77 that reflect the term of, the monetary consideration for, and the patent rights covered by  
10 the 2006 License be sealed and not be shown, nor discussed or testified about, in open court.

11 2. Exhibit 3A, entitled “Summary of Samsung License Agreements,” of Exhibit 630  
12 references two patent licenses: a license agreement between Samsung and Ericsson that became  
13 effective in December 2001 (the “2001 License”) and the 2006 License. The Court Orders that  
14 those portions of Exhibit 3A of Trial Exhibit 630 that reflect the terms of, the products and  
15 technology covered by, the geographic scope of, and the payments under, either the 2001 License or  
16 the 2006 License be sealed and not be shown, nor discussed or testified about, in open court.

17 3. Exhibit 3B, entitled “Summary of Apple UMTS License Agreements,” of Trial  
18 Exhibit 630 references two licenses between Apple and Ericsson, one that became effective in June  
19 2003 (the “2003 License”) and one that became effective in January 2008 (the “2008 License”). The  
20 Court Orders that those portions of Exhibit 3B of Trial Exhibit 630 that reflect the terms of, the  
21 products and technology covered by, the geographic scope of, and the payments under, either the  
22 2003 License or the 2008 License be sealed and not be shown, nor discussed or testified about, in  
23 open court.

24 4. The Court Orders that those portions of Exhibit 4A, entitled “Initial Royalty Rates -  
25 Motorola and Ericsson,” of Trial Exhibit 631 that reflect Ericsson’s initial GSM, CDMA, and  
26 WCDMA royalty rates be sealed and not be shown, nor discussed or testified about, in open court.

1           5.       The Court Orders that those portions of Exhibit 4B, entitled “Estimating Samsung  
2 Balance Royalty Rates,” of Trial Exhibit 631 that reflect the net royalty, total revenues, gross  
3 royalties, partner rates, and Samsung rates with respect to the 2006 License be sealed and not be  
4 shown, nor discussed or testified about, in open court.

5           6.       The Court Orders that only those versions of Trial Exhibits 77, 630, and 631 that are  
6 redacted so as not to disclose the information sealed in paragraphs one (1) through five (5) of this  
7 Order are to be used in open court and provided to the public.

8           7.       The Court Orders that during any discussion or testimony regarding the sealed  
9 portions of Trial Exhibits 77, 630, and 631, the Court will be closed to the public and anyone else  
10 without the right to receive “Highly Confidential - Attorneys Eyes Only” materials in this case.

11           8.       The Court Orders that those portions of the trial transcript that contain any  
12 discussions or testimony concerning the sealed portions of Trial Exhibits 77, 630, and 631 be sealed.

13 **IT IS SO ORDERED.**

14 Dated: July \_\_\_\_, 2012

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LUCY H. KOH  
United States District Judge