

1 amount of confidential information at trial. *See* Samsung’s Mot. to Stay at 6; Apple’s Mot. to Stay
2 at 2.

3 For the district court, Federal Rule of Civil Procedure 62(c) vests the power to stay an order
4 pending appeal with the district court. *See* Fed. R. Civ. P. 62(c). For both the appellate court and
5 the district court “the factors regulating the issuance of a stay are generally the same: (1) whether
6 the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether
7 the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will
8 substantially injure the other [parties’ interest] in the proceeding; and (4) where the public interest
9 lies.” *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987). Deciding whether to grant a stay of an order
10 pending an appeal is an equitable inquiry. Each factor in the analysis need not be given equal
11 weight. *Standard Havens Prods. v. Gencor Indus.*, 897 F.2d 511, 512 (Fed. Cir. 1990). “When
12 harm to applicant is great enough, a court will not require ‘a strong showing’ that applicant is
13 ‘likely to succeed on the merits.’” *Id.* (citing *Hilton*, 481 U.S. at 776). Indeed, in *Hilton* the
14 Supreme Court acknowledged, “the traditional stay factors contemplate individualized judgments
15 in each case, the formula cannot be reduced to a set of rigid rules.” *Hilton*, 481 U.S. at 777.
16 “Thus, the four stay factors can effectively merge,” and a court therefore, “assesses movant’s
17 chances for success on appeal and weighs the equities as they affect the parties and the public.”
18 *Standard Havens Prods.*, 897 F.2d at 513 (citations omitted).

19 Although this Court does not believe that the partial denial of the parties’ sealing request
20 was erroneous, this Court nonetheless recognizes that should the Federal Circuit disagree, the
21 parties will be deprived of any remedy if this Court does not stay its order. When the information
22 is publicly filed, what once may have been trade secret no longer will be. Thus, the parties may be
23 irreparably injured absent a stay. In contrast, the public interest, which favors disclosure of
24 relevant information in order to understand the proceedings, is not unduly harmed by a short stay.
25 As explained above, none of the trial exhibits is the subject of the parties’ appeals or this motion to
26 stay. Moreover, a short stay would merely maintain the status quo until the parties can seek stay
27 relief from the Federal Circuit. Accordingly, after balancing the interests of the parties and the
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1 public interest, the Court grants a brief stay of the August 9, 2012 Order¹ Granting-in-Part and
2 Denying-in-Part the parties' motions to seal. The stay is only in effect pending a decision by the
3 United States Court of Appeals for the Federal Circuit on a motion for stay pending appeal. This
4 Court hereby denies the parties' request for a stay pending the Federal Circuit's ruling on the
5 parties' respective appeals of this Courts' August 9, 2012 Order Granting-in-Part and Denying-in-
6 Part the parties' motions to seal.

7 **IT IS SO ORDERED.**

8 Dated: August 15, 2012


LUCY H. KOH
United States District Judge

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¹ Because this Court's August 9, 2012 Order Granting-in-Part and Denying-in-Part Motions to Seal supersedes this Court's July 17, 2012 Order Denying Sealing Motions Without Prejudice, this Court denies Samsung's Motion to Stay this Court's July 17, 2012 Order as moot.