

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE INC., a California corporation

Plaintiff,

v.

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)

**ORDER GRANTING RENEWED
MOTIONS TO SEAL**

(Re: Docket Nos. 2228, 2231, 2250, 2268)

On February 1, 2013, the court issued an omnibus order granting-in-part and denying-in-part myriad sealing requests by both Apple, Inc. (“Apple”) and Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively, “Samsung”) filed in the first suit between the two parties.¹ Following that order, both Apple and Samsung filed renewed motions to seal various documents that the parties each asserted contained highly confidential business information.² Samsung also moved to stay the February 1

¹ See Docket No. 2222.

² See Docket No. 2228 (Apple’s renewed motion to seal); Docket No. 2231 (Samsung’s renewed motion to seal).

1 order, which the court granted pending its resolution of Samsung's renewed request.³ Apple
2 subsequently filed a "corrected" renewed motion to seal.⁴ Third-parties Interdigital Holdings, Inc.,
3 Interdigital Technology, Inc., and IPR Licensing, Inc. (collectively, "Interdigital") moved to seal a
4 licensing agreement between Interdigital and Apple.⁵ The court now briefly addresses the renewed
5 motions to seal.

6 At the outset, the court must acknowledge the Federal Circuit's recent directive regarding
7 sealing requests in this very case. Following Apple and Samsung's appeal of two orders from
8 Judge Koh denying their requests to seal similar financial information, the Federal Circuit
9 determined that Apple and Samsung had made a sufficient showing of harm that was not
10 outweighed by the public's interest in this case.⁶ The court therefore considers the renewed
11 motions to seal with the Federal Circuit's direction in mind.

12 In its February 1 order, the court found that even though the documents at issue were
13 subject to the lower good cause standard applicable to non-dispositive motions,⁷ Apple and
14 Samsung had failed to make a particularized showing that certain confidential financial and
15 licensing information they wanted sealed in fact would be harmful if published.⁸ In the respective
16 renewed motions, Apple, Samsung, and Interdigital offer further descriptions of the harm that
17 would befall each of them if the financial and licensing information at issue lost its confidential
18 status.⁹ Apple also points out that at least two exhibits for which the court denied sealing requests
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22 ³ See Docket Nos. 2230, 2232.

23 ⁴ See Docket No. 2250.

24 ⁵ See Docket No. 2268.

25 ⁶ See *Apple, Inc. v. Samsung Elecs. Co., Ltd.*, --- F.3d ---, 2013 WL 4487610 (Fed. Cir. 2013).

26 ⁷ See *Kamakana v. City and Cty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006)

27 ⁸ See Docket No. 2222.

28 ⁹ See Docket Nos. 2230, 2250, 2268.

1 include source code.¹⁰ In light of the parties' additional explanations and the Federal Circuit's
2 recent instruction, the court finds that sealing the various financial and source code documents is
3 warranted.

4 Accordingly, Samsung's renewed motion to seal is GRANTED,¹¹ Apple's corrected
5 renewed motion to seal is GRANTED,¹² Interdigital's motion to seal is GRANTED,¹³ and Apple's
6 original renewed motion¹⁴ is DENIED AS MOOT in light of Apple's corrected motion. To the
7 extent that Apple and Samsung offered redacted versions of the exhibits at issue, Apple and
8 Samsung shall file those redacted versions on the public docket within fourteen days. The parties
9 also shall comply with General Order No. 62 with regards to filing the various documents under
10 seal.

11 **IT IS SO ORDERED.**

12 Dated: September 11, 2013

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14 PAUL S. GREWAL
15 United States Magistrate Judge
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24 ¹⁰ See Docket No. 2250.

25 ¹¹ See Docket No. 2231.

26 ¹² See Docket No. 2250.

27 ¹³ See Docket No. 2268.

28 ¹⁴ See Docket No. 2228.