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11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

15 APPLE INC., a California corporation,
 16 Plaintiff,
 17 v.
 18 SAMSUNG ELECTRONICS CO., LTD., a
 Korean corporation; SAMSUNG ELECTRONICS
 19 AMERICA, INC., a New York corporation; and
 SAMSUNG TELECOMMUNICATIONS
 20 AMERICA LLC, a Delaware limited liability
 company,
 21 Defendants.
 22

Case No. 11-cv-01846-LHK

**ADMINISTRATIVE MOTION TO
 FILE APPLE'S OBJECTIONS TO
 SAMSUNG'S UNTIMELY NEW
 EVIDENCE REGARDING
 PRELIMINARY INJUNCTION
 MOTION AND SUPPORTING
 DOCUMENTS UNDER SEAL**

1 In accordance with Civil L.R. 7-11 and 79-5, and General Order No. 62, Apple Inc.
2 (“Apple”) moves this Court for an order to seal the following documents:

- 3 1. The confidential, unredacted version of Apple’s Objections to Samsung’s
4 Untimely New Evidence Regarding Preliminary Injunction Motion (confidential
5 information is limited to the last two sentence of the opposition, which refer to a
6 document that Samsung recently produced and designated as “highly
7 confidential”;
- 8 2. Excerpts from the Deposition of Justin Denison, attached as Ex. B to the
9 Declaration of Grant Kim In Support of Apple’s Objections to Samsung’s
10 Untimely New Evidence (“Kim Decl.”).
- 11 3. Excerpts from the Deposition of Chris Stringer, attached as Ex. E to the Kim Decl.
- 12 4. Excerpts from the Deposition of Michael Wagner, attached as Ex. G to the Kim
13 Decl.

14 The above Items 3 & 4 contain or discuss Apple confidential information. Apple has
15 established good cause to permit filing the above Apple confidential information under seal
16 through the Declaration of Cyndi Wheeler in Support of Apple’s Administrative Motion to File
17 Documents Under Seal (the “Sealing Declaration”), filed herewith. As detailed in the Sealing
18 Declaration, the above Apple confidential information relates to, among other things, Apple’s
19 confidential design trade secrets, market research, product development, and business practices.
20 (Sealing Declaration at ¶¶ 2-3.) It is Apple’s policy and practice not to disclose such information
21 because it is confidential to Apple. (*Id.* at ¶ 3.) This information is indicative of the way in
22 which Apple manages its business affairs and conducts product development, and thus the
23 information can be used by competitors to Apple’s disadvantage. (*Id.*) The requested relief is
24 necessary and narrowly tailored to protect the confidentiality of Apple confidential information
25 contained in the Reply and supporting documents.

26 The above Items 1 and 2 contain or discuss information that Samsung has designated as
27 “Confidential” or “Highly Confidential—Attorneys Eyes Only.” Apple has informed Samsung
28 that it would be seeking leave to file information designated by Samsung as “highly confidential.”

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Samsung did not oppose this request. Accordingly, Apple expects that Samsung will file the required supporting declaration and proposed order in accordance with Civil L.R. 79-5(d).

Pursuant to General Order No. 62, the complete, unredacted versions of these documents will be lodged with the Court for in camera review and served on all parties.

Dated: October 17, 2011

MORRISON & FOERSTER LLP

By: /s/ Michael Jacobs
Michael Jacobs

Attorneys for Plaintiff
APPLE INC.