

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

APPLE INC., a California Corporation,	)	Case No.: 5:11-cv-01846-LHK-PSG
	)	
Plaintiff,	)	<b>ORDER RE: MOTION TO SEAL</b>
v.	)	<b>(Re: Docket No. 3128)</b>
	)	
SAMSUNG ELECTRONICS CO., LTD. et al.,	)	
	)	
Defendants.	)	
	)	

The undersigned is not quite sure, but sealing in this case may just have officially passed from the sublime to the ridiculous.

Several months ago, the court granted-in-part and denied-in-part what were then the latest motions to seal filed by the parties and third party Nokia Corporation.<sup>1</sup> Among other things, the court noted that Nokia's proposed sealing was "not narrowly tailored to confidential business information."

<sup>1</sup> See generally Docket No. 3113.

1 In response, Nokia now seeks leave to file a motion for reconsideration. In its motion,  
2 Nokia represents that “[h]eeding the Court's June 11 order . . . Nokia has addressed this issue by  
3 conducting a careful review . . . and redacting only those narrow portions . . . that contain . . .  
4 confidential information.”<sup>2</sup> But even a casual review of the very first pleading addressed by Nokia  
5 shows otherwise. In that pleading, Nokia asks the court to seal multiple references that are  
6 quoted—verbatim—in articles available to anyone on the planet with a web browser and basic  
7 internet access:

- 8 • A June 15, 2011 article in Business Insider titled “Apple Paying Nokia \$715 Million  
9 Upfront to Settle Patent Dispute, Estimates Analyst” states: “Bernstein analyst Pierre  
10 Ferragu estimates Apple is paying Nokia €500 (~\$715) million as an upfront payment this  
11 quarter to settle its patent dispute. He estimates Apple will pay Nokia an additional €100  
12 (~\$143) million the rest of the year.” Other publications subsequently reported on the  
13 contents of the Business Insider article.<sup>3</sup>
- 14 • June 15, 2011 article in the Wall Street Journal titled “Nokia, Apple Make Up” states that  
15 “Swedbank AB analyst Jari Honko estimated Apple’s one-time payment to Nokia could be  
16 around €500 million, or about \$720 million.” It also states that “Apple will make a one-  
17 time payment to Nokia and pay continuing royalties as part of a patent-license agreement,  
18 Nokia said Tuesday.”<sup>4</sup>
- 19 • An October 3, 2011 article from AppleInsider titled “SEC sought more details on Apple-  
20 Nokia patent settlement” reported the following on the receipt of payments as part of the  
21 settlement: “In July, Nokia revealed it had received a \$600 million one-time royalty  
22 payment. Though the public filing did not disclose the sum it was paid by Apple in their  
23 patent deal, the information would suggest Apple’s payment did not exceed \$600 million.  
24 Nokia and Apple resolved their patent dispute in June, with Apple agreeing to pay Nokia

22 <sup>2</sup> See Docket No. 3128 at 2.

23 <sup>3</sup> Docket No. 3130-1 at 6. The underlying document itself identifies the URLs of these articles,  
24 which Nokia does not seek to seal: <http://www.businessinsider.com/nokia-apple-settlement-2011-6>;  
25 [http://regator.com/p/251943988/apple\\_paying\\_nokia\\_715\\_million\\_upfront\\_to\\_settle/](http://regator.com/p/251943988/apple_paying_nokia_715_million_upfront_to_settle/); and  
<http://seekingalpha.com/article/275265-apple-patent-settlement-with-nokia-may-spur-more-claims>.

26 <sup>4</sup> *Id.* at 6-7. Again, Nokia does not seek to seal the cited URL:  
27 <http://online.wsj.com/article/SB10001424052702303714704576384783542753682.html>.

1 for licenses. The deal included a one-time payment to Nokia, in addition to ongoing  
2 royalties.”<sup>5</sup>

3 If this were the court's first lament about sealing in this case—or second or third or fourth—  
4 the court could be more forgiving. But at some point, the cost of such unwarranted sealing  
5 requests to the taxpayers, the press and other parties with equally important claims to the court’s  
6 resources must take priority. Nokia’s request for leave is DENIED.

7 **SO ORDERED.**

8 Dated: November 18, 2014

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10 PAUL S. GREWAL  
11 United States Magistrate Judge

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26 <sup>5</sup> *Id.* at 7. Once more the URL is readily available:  
27 [http://appleinsider.com/articles/11/10/03/sec\\_sought\\_more\\_details\\_on\\_apple\\_nokia\\_patent\\_settle](http://appleinsider.com/articles/11/10/03/sec_sought_more_details_on_apple_nokia_patent_settlement)  
28 ent.