

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.: 11-CV-01846-LHK
	)	
Plaintiff,	)	ORDER GRANTING MOTION TO FILE
	)	DOCUMENTS UNDER SEAL
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.	)	
	)	

On June 7, 2011, Plaintiff Apple, Inc. moved to file portions of the following documents under seal: (1) Apple’s brief in opposition to Defendants’ motion to compel, and (2) the Declaration of Richard J. Lutton in Support of Apple’s Opposition (“Lutton Decl.”). Apple represents that the Samsung Defendants have stipulated to Apple’s request to file portions of these documents under seal.

Where, as here, a party seeks to seal documents attached to a non-dispositive motion, the Ninth Circuit requires a showing of good cause to justify the sealing of those documents. *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006). In addition, the Local Rules of this Court require that all requests to file under seal be “narrowly tailored to seek sealing only of sealable material.” Civ. L.R. 79-5(a). In this case, some of the information Apple

1 seeks to seal, particularly the information relating to its security procedures, appears to be sealable,  
2 confidential information. *See* Lutton Decl. ¶¶ 10-11. On the other hand, some of the information  
3 relating to Apple’s marketing strategies appears less sensitive and may already be public  
4 knowledge. *See, e.g.*, Lutton Decl. ¶¶ 6-7. Nonetheless, Apple seeks to seal only limited portions  
5 of its opposition brief, and the Samsung Defendants have agreed that the redacted information  
6 should be sealed. Given the lower standard applied to requests to seal material attached to non-  
7 dispositive motions, the Court will grant Apple’s motion in this instance. *See Kamakana*, 447 F.3d  
8 at 1180. However, as this is a case of public importance, future requests to file under seal should  
9 include a more substantial explanation of the confidential nature of the redacted information and  
10 the justification for sealing.

11 For the reasons discussed above, the Court GRANTS Apple’s motion to file under seal.

12 **IT IS SO ORDERED.**

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14 Dated: June 13, 2011

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17 LUCY H. KOH  
18 United States District Judge  
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