

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 IN PART    |
| v.                                     | ) | SAMSUNG’S MOTION TO FILE  |
|  | ) | UNDER SEAL                |
| SAMSUNG ELECTRONICS CO., LTD., A       | ) |                           |
| Korean corporation; SAMSUNG            | ) |                           |
| ELECTRONICS AMERICA, INC., a New York  | ) |                           |
| corporation; SAMSUNG                   | ) |                           |
| TELECOMMUNICATIONS AMERICA, LLC,       | ) |                           |
| a Delaware limited liability company,  | ) |                           |
|  | ) |                           |
| Defendants.                            | ) |                           |

Samsung filed a motion to file under seal Exhibit X to the Tung Declaration, which was denied without prejudice in the Court’s December 20, 2011 Order. ECF No. 515. Samsung filed a renewed motion to file portions of Exhibit X under seal. ECF No. 548. Because the documents and material referenced in Exhibit X contained information designated by Apple as confidential, Apple submitted a declaration in support of the motion to file portions of Exhibit X under seal. ECF No. 553. Apple withdrew the confidentiality designation as to all of the pages of Exhibit X except: (1) pages 74-76 and 98 which discuss Apple’s alternative product designs, (2) pages 209-10, 213, and 248 which contain market share information related to customer preferences, and (3) pages 222 and 224-28 which contain information regarding licensing negotiations and agreements between Apple and Samsung or Apple and third parties.

1 Pursuant to Civil Local Rule 79-5(a), orders to seal “may issue only upon a request that  
2 establishes that the document, or portions thereof, is privileged or protectable as trade secret or  
3 otherwise entitled to protection under the law.”

4 The Court is satisfied that the information in the above referenced pages of Exhibit X are  
5 properly sealable as they contain confidential information of Apple’s product development or  
6 information that could harm Apple’s competitive advantage in the marketplace. However, the  
7 Court has determined that Page 213 of Exhibit X does not contain Apple’s internal market research  
8 and analysis and therefore is not properly sealable. Accordingly, the motion to seal Exhibit X, is  
9 granted as to pages 74-76, 98, 209-10, 222, 224-28, and 248. Samsung shall file under seal pages  
10 74-76, 98, 209-10, 222, 224-28, and 248 of Exhibit X. Samsung shall publicly file pages 24, 77-  
11 78, 100, 103, 106, 202-205, 212, and 213 of Exhibit X.

12 **IT IS SO ORDERED.**

13 Dated: March 1, 2012



LUCY H. KOH  
United States District Judge