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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
 19 Korean business entity; SAMSUNG
 ELECTRONICS AMERICA, INC., a New York
 20 corporation; SAMSUNG
 TELECOMMUNICATIONS AMERICA, LLC, a
 21 Delaware limited liability company.,

22 Defendants.

Case No. 11-cv-01846-LHK

**APPLE'S STIPULATED
 ADMINISTRATIVE MOTION TO
 FILE DOCUMENTS UNDER
 SEAL**

23
 24 In accordance with Civil L.R. 79-5 and 7-11, and General Order No. 62, Apple Inc.
 25 ("Apple") moves this Court for an order to seal the Declaration of Richard J. Lutton, Jr. in
 26 Support of Apple's Motion for a Preliminary Injunction (the "Lutton Declaration").
 27
 28

1 Apple has established good cause to permit filing this information under seal through the
2 Declaration of Richard J. Lutton, Jr. in Support of Apple's Administrative Motion to File
3 Documents Under Seal (the "Lutton Sealing Declaration"), filed herewith. The Lutton
4 Declaration contains information relating to Apple's discussions with Samsung prior to the
5 initiation of this lawsuit. (Lutton Sealing Decl. at ¶ 2.)

6 Although they took place before the commencement of litigation, these negotiations are
7 akin to settlement negotiations that are often protected from disclosure by the courts. *See, e.g.,*
8 *Jones v. Metro. Life Ins. Co.*, 08-cv-3971, 2010 U.S. Dist. LEXIS 113219, at *11 (N.D. Cal.
9 Oct. 15, 2010) (redacting contents of settlement negotiations filed under seal). Apple negotiated
10 with Samsung intending and expecting that the communications exchanged would not be
11 broadcast to the public. (Lutton Sealing Decl. at ¶ 2.) Maintaining the privacy of such business
12 discussions is important to promoting efficient resolution of business disputes, because it
13 encourages a frank dialogue in spite of the possibility that the negotiating parties might later
14 become legal adversaries.

15 In order to narrowly tailor the requested sealing to only sealable material, Apple has
16 limited its request to the Lutton Declaration. Apple does not request to file its Motion for a
17 Preliminary Injunction or supporting brief under seal, and any references to the Lutton
18 Declaration in those documents are constructed to avoid disclosing confidential information.

19 In conclusion, Apple requests that the Court order that the Lutton Declaration be filed
20 under seal. Counsel for the Samsung defendants have stipulated to this request. (Declaration of
21 Richard S.J. Hung Regarding Meet and Confer Obligations relating to Apple Inc.'s Motions Filed
22 on July 1, 2011, filed herewith, ¶ 4.)

23 Dated: July 1, 2011

MORRISON & FOERSTER LLP

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25 By: /s/ Michael A. Jacobs
MICHAEL A. JACOBS

26 Attorneys for Plaintiff
27 APPLE INC.
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ECF ATTESTATION

I, JASON R. BARTLETT, am the ECF User whose ID and password are being used to file the following document: APPLE'S STIPULATED ADMINSTRATIVE MOTION TO FILE DOCUMENTS UNDER SEAL. In compliance with General Order 45, X.B., I hereby attest that Michael A. Jacobs has concurred in this filing.

Dated: July 1, 2011

MORRISON & FOERSTER LLP

By: /s/ Jason R. Bartlett
JASON R. BARTLETT